

A C T S
OF THE
LEGISLATURE
OF
WEST VIRGINIA;

AT ITS
FIFTH SESSION,
COMMENCING JANUARY 15TH, 1867.



WHEELING:
JOHN FREW, PUBLIC PRINTER.

1867.

A C T S .

CHAPTER 1.—An ACT locating the county seat of Calhoun county.

Passed January 22, 1867.

Be it enacted by the Legislature of West Virginia:

1. The county seat of the county of Calhoun shall hereafter be at the farm of Simon P. Stump, on the Little Kanawha river, in said county; and the public buildings to be erected shall be upon a site on said farm to be selected by the board of supervisors of said county.

Location.

Public buildings.

2. Until such buildings are erected, the said board of supervisors shall provide buildings as near as practicable to the site so selected, to be used temporarily for county purposes.

Temporary county buildings.

3. The board of supervisors of said county are hereby authorized to sell any county property at Arnoldsburg, in said county.

Sale of county property.

4. The judge of the sixth judicial circuit is authorized to hold his court for said county in the buildings to be provided under this act, and the several officers required to have offices at the county seat shall remove their offices to the site selected in pursuance of this act, as soon as suitable buildings are provided for their accommodation.

Circuit court.

County officers.

CHAPTER 2.—An ACT regulating the Payment of Money into the Treasury.

Passed January 31, 1867.

Be it enacted by the Legislature of West Virginia:

1. All money to be paid into the treasury of this State, shall be paid into some bank in this State that now is, or may hereafter be, authorized and organized by the comptroller of the currency to commence the business of banking, under the act of the Congress of the United States, approved June third, eighteen hundred and sixty-four, entitled "An act to provide a national currency, secured by pledge of United States bonds, and to provide for the redemption and circulation thereof."

Into what banks money due the State may be paid.

2. All payments shall be "to the credit of the treasury of West Virginia;" and the person making a payment shall take a certificate of the fact from the proper officer of such bank, and present the certificate to the auditor, who shall, by endorsement thereon, direct upon what account or accounts the treasurer shall receipt for the payment; and if on more than one account, he shall direct what

Certificate of payment.

Auditor's endorsement on certificate.

Duty of treasurer.

amount is to be credited on each. Upon presentation to him of such certificate, the treasurer shall retain and file the same, charging the amount specified therein to the proper bank, and shall deliver to the person presenting the certificate a separate receipt, in duplicate, for the amount to be credited on each account, according to the direction of the auditor endorsed on the certificate. The person obtaining

Duty of auditor.

the receipt shall forthwith present the same to the auditor, who shall retain and file the duplicate in his office, charging the amount of the same to the treasurer's account, and on the original, which is to be retained by the person making the payment, he shall endorse as follows: "A duplicate hereof has been filed in the auditor's office," and affix his signature and the proper date to such endorsement.

No payment valid if made otherwise than according to this act.

And no receipt of the treasurer shall be an acquittance or discharge to any person for any sum of money due this State, unless endorsed by the auditor as aforesaid; and any person liable to pay money into the treasury, who shall pay the same otherwise than according to this act, shall remain liable for such money, and be subject to the same fine, penalty, forfeiture or damages to which he would have been subject if he had not paid the same.

Governor may prohibit payment into said banks,

3. If, at any time when the Legislature is not in session, the governor be of opinion that the safety of the public funds requires that no more money should be paid to the credit of the treasury, into any one or more of the depositories specified in this act, he shall announce the fact by proclamation, to be published in some newspaper printed at the seat of government; and after such proclamation is published, it shall not be lawful to pay any sum of money, on State account, into any depository or depositories to which such payment shall be thereby forbidden. And if, at any time when the Legislature is not in session, the governor be of opinion that the safety of the public funds requires it, he shall, by his order in writing, direct the auditor and treasurer to transfer the money held by any depository or depositories, on account of the treasury, to any other safe and proper depository or depositories, to be designated in such order; and the auditor and treasurer shall thereupon transfer the same as directed. But all such proclamations and orders shall, as soon as possible thereafter, be submitted to the Legislature.

and may order transfer of State money from one bank to another.

Acts repealed.

4. Chapter eleven of the acts of eighteen hundred and sixty-three, and chapter sixty-three of the acts of eighteen hundred and sixty-five, are hereby repealed.

CHAPTER 3.—An ACT to provide for selling a church in Putnam county.

Passed February 1, 1867.

Be it enacted by the Legislature of West Virginia:

Sale of church authorized.

That the board of trustees of White Oak Chapel, Methodist Episcopal Church, in Scott township, Putnam county, are hereby authorized to sell a lot of ground belonging to said church, or such

portion thereof as they may deem proper, with the church building standing thereon, to the board of education in said township, for school purposes.

CHAPTER 4.—An ACT locating the county seat of McDowell county.

Passed February 2, 1867.

Be it enacted by the Legislature of West Virginia :

1. That the county seat of McDowell county be and the same is hereby located at or near the mouth of Crane Trace branch of the Clear Fork of Tug river, a fork of Big Sandy, on the land belonging to Philip Lambert. Location.

2. Simon L. Payne, Hiram Lambert, Jacob Collins, William Hagerman and John D. Payne are hereby appointed commissioners to locate the site for the public buildings on said land, and to make report to the board of supervisors of said county, at their session in April, eighteen hundred and sixty-seven. Commissioners.

3. The courts and boards of McDowell county shall be held at Bartley Rose's, on the Clear Fork of Tug river, until the court house is completed at the place fixed by this act; and all the public documents of said county shall be immediately removed to said Rose's. Temporary county seat.

CHAPTER 5.—An ACT to encourage the formation of Homestead and Building Associations.

Passed February 4, 1867.

Be it enacted by the Legislature of West Virginia :

1. Any number of persons, not less than five, may associate themselves together and become a corporation, as provided in an act entitled "An Act providing for the formation of corporations and regulating the same," passed October 26, 1863, and subsequent amendments thereto; the provisions thereof to be applicable, so far as the same are not inconsistent with this act, for the purpose of raising moneys, to be loaned among the members of such corporation, for use in buying lots or houses, or in building or repairing houses. Formation of associations under general corporation law.
Object of corporation.

2. Every such corporation is authorized and empowered to levy, assess and collect, by process of law, from its members, such sums of money, by stated dues, fines, interest on loans advanced, and premiums bid by members for the right of precedence in taking loans, as the corporation, by its laws, shall provide; also to acquire, hold, encumber and convey all such real estate and personal property as may be legitimately pledged to it on such loans, or may be otherwise transferred to it in the due course of its legitimate business; provided that the dues, fines and premiums paid by the members of such cor- Powers of corporation.

- Premiums not to make loan usurious.
- Liability of stockholders.
- Constitution of corporation,
- Use of corporation funds.
- Amendment of this law.
- Proviso.
- poration, although paid in addition to the legal rate of interest on loans taken by them, shall not be construed to make the loans so taken usurious.
3. All stockholders of any such association shall be deemed and held liable to an amount equal to their stock subscribed, or by them at any time held, in addition to said stock, for the purpose of securing the creditors of said association.
4. Every association formed under this act shall adopt a constitution, which shall be signed by the members, and which shall embrace all the provisions of the foregoing sections, and such articles for their government and the management of their business as they shall deem proper; provided the same are not inconsistent with this act.
5. Such corporations shall not use or direct the funds thereof for any other object or purpose than those specified in this act; and in case the said funds shall be so used or directed, the association so using or directing them shall forfeit all its rights and privileges as a corporation.
6. The right is reserved to the Legislature to alter or amend by general laws, at its pleasure, this act. But such alteration or amendment shall not affect or impair the right of the creditors of the corporation to have the property and assets thereof applied in discharge of their respective claims, or of the stockholders to have the surplus which may remain after providing for the debts and liabilities of the corporation distributed among themselves according to their respective interests.

CHAPTER 6.—An ACT authorizing James A. Boggs to build a mill dam across Elk river.

Passed February 5, 1867.

Be it enacted by the Legislature of West Virginia :

- Restriction on dam.
- Responsibility for damages.
1. James A. Boggs is hereby permitted to construct a saw and grist mill dam, four feet high, across Elk river, at the mouth of Otter creek, Braxton county, and to be restricted as follows: The slope in said dam to be not less than thirty feet wide and forty feet long, and the residue of said dam to be six inches higher than the crest of the slope.
2. The said James A. Boggs, as well as his successors, shall be held responsible for any damages resulting from a failure to build said dam as directed in the first section of this act.

CHAPTER 7.—AN ACT to repeal Chapter 52 of the Acts of 1866.

Passed February 5, 1867.

Be it enacted by the Legislature of West Virginia :

That chapter 52 of the Acts of 1866 be, and the same is hereby Act repealed. repealed.

CHAPTER 8.—An ACT to incorporate the town of Palatine.

Passed February 7, 1867.

Be it enacted by the Legislature of West Virginia :

1. That the inhabitants of so much of the county of Marion as are within the bounds hereinafter described, or may hereafter reside within said bounds, shall be, and they are hereby made a body politic and corporate, by the name and style of "The Town of Palatine." The corporate limits and boundaries of the town of Palatine shall be as follows: Beginning on the Monongahela river at the old lower Corporate limits. ferry landing, thence with the old county road to the Morgantown and Bridgeport turnpike road, thence with said turnpike road to Haymond's street, thence with and including said street to Walnut street, thence with and including said street to Clay street, thence with and including said street to Strode's coal mine, thence with the meanderings of the drain of said mine to the Monongahela river, thence with said river to the beginning.

2. The municipal authorities of said town shall be a mayor, recorder, and five councilmen, who, together, shall form a common council. Municipal authorities.

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified as hereinafter provided, shall be a body politic and corporate, by the name of "The Town of Palatine," and shall have perpetual succession and a common seal, and by that name may Corporation. sue and be sued, implead and be impleaded; may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town. Its powers.

4. All the corporate powers of said corporation shall be exercised How exercised. by the said council, or under their authority, except where otherwise provided.

5. There shall be a town sergeant, a treasurer, and assessor appointed by the council, to continue in office at its pleasure, and perform the duties respectively, as hereinafter prescribed, or as may be required by the council. Sergeant, treasurer and assessor.

6. The duties of the office of recorder, treasurer and assessor may be discharged by the same person, or otherwise, as the council may from time to time determine.

- Term of office.** 7. The mayor, recorder and councilmen shall be elected by the citizens of said town who may be entitled to vote under this act, and (except when elected to fill vacancies,) for the term of one year, and until their successors shall have been elected and qualified, and shall be residents in said town and entitled to vote for members of its common council.
- Elections.** 8. The first election under this act shall be on the third Saturday in March, eighteen hundred and sixty-seven, at Barnes' storehouse in said town, under the supervision of a justice of Union township; and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations, as the council of said town may prescribe. The person conducting the first election shall grant certificates to the persons elected, which shall be entered upon the records with the ordinances of said council, and their term of office shall commence on the first day of April next after their election.
- Who entitled to vote.** 9. All persons resident in said town and entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen.
- Vacancies in office.** 10. When a vacancy shall occur from any cause in the office of mayor, recorder, or in the council, the vacancies shall be filled by appointment by the council.
- Elections.** 11. At all elections the vote shall be by ballot, and when two or more persons for the same office at any election shall receive an equal number of votes, the person or persons conducting such an election shall decide which of said persons shall be returned elected. And
- Contests.** all contested elections shall be heard and determined by the council for the time being.
12. The mayor, recorder, councilmen, sergeant, treasurer and assessor shall each, before entering upon the duties of his office, and within ten days after being furnished with a certificate of his election, take and subscribe the oath of loyalty prescribed for county and township officers, and that they will truly, faithfully and impartially discharge the duties of their said offices respectively, to the best of their abilities, so long as they continue therein. The recorder shall take such oath or affirmation before a justice or other officer authorized to administer oaths, and thereupon he shall administer the oaths aforesaid to the other officers and councilmen. Certificates of the said oaths or affirmations shall be filed with the recorder, and the fact of their administration be entered on the journal of the proceedings of the council.
- Oaths of officers.**
- Who may administer such oaths.**
- Oaths to be filed and recorded.**
- Councilmen.** 13. When any four of the newly elected councilmen shall have been so qualified they shall enter upon their said offices and supersede the former councilmen.
14. If any one elected mayor, recorder or councilman, shall not

have been eligible or shall fail or refuse to take the oath or affirmation required under this act within the ten days aforesaid, such office shall be declared vacant, and the vacancy filled as hereinbefore prescribed, but in all cases from among the citizens of the town eligible to such office or position under this act. When offices declared vacant.

15. The council shall be presided over at its meetings by the mayor, or, in his absence by one of the councilmen selected by a majority of the council present, and a majority of the council shall be necessary to constitute a quorum to do business. Council.

16. The council shall cause to be kept in a journal an accurate record of all its proceedings, by-laws, acts and orders, which shall be fully indexed and open to the inspection of the voters of the town. Its journal.

17. The proceedings of the last meeting shall be read to the council, corrected when necessary and signed by the person presiding for the time being. Upon the call of any member the ayes and noes on any question shall be called and recorded in the journal. The mayor though voting as a member of the council, in cases of a tie shall have the casting vote. Its proceedings.

18. The council so constituted shall have power within said town to lay off, open, curb and pave streets, alleys, walks and gutters, for the public use, and to alter, improve and light the same and have them kept in good order and free from obstructions on or over them; to regulate the width of side walks and streets, and to order the side walks, footways and gutters to be curbed, paved and kept in good order, free and clean, by the owners or occupants of the adjacent property; to lay off public grounds, and provide, contract for and take care of public buildings proper to the town; to prevent injury or annoyance to the public or individuals, from any thing dangerous, offensive or unwholesome; to abate or cause to be abated any thing which in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide for the burial of the dead, and for this purpose may purchase and hold the necessary land for a cemetery near or convenient to said town, and provide for its improvement and security; to provide for the regular building of houses and other structures in or for said town; for the making division fences and to provide for shade and ornamental trees, and against danger or damage from fire or contagious diseases; to provide a revenue for the town and appropriate the same; and to provide the annual assessment of taxable persons and property of the town; to adopt rules for the transaction of business and the government regulations of its own body; to promote the general welfare of the town and protect the property and preserve peace and good order therein; to keep a town guard, appoint and order out a patrol for the town when deemed necessary; to appoint such officers as they may deem proper, including a sergeant, assessor and treasurer; to deline their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds with

such sureties and in such penalty as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure, (all bonds to be made payable to the town by its corporate name,) to erect or authorize, or prohibit the erection of gas works or water works, in or near the town; to prevent injuries to or pollution to the same, for all which purposes named in this clause, except that of taxation the council shall have jurisdiction for one mile beyond the borough; to regulate and provide for weighing and measuring of hay, coal and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets, and generally to do such things as the council shall deem necessary for the interests, prosperity, peace and good order of said town.

Same.

19. To carry into effect these enumerated powers and all others conferred upon the said town or its council, expressly or by implication, in this or any other acts of the legislature, the council have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the constitution and laws of this State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the mayor of the said town, or the person lawfully exercising his functions. The council with the consent of the supervisors of Marion county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

Annual levy.

20. The annual levy ordered by the council may be upon all male persons within said town: over sixteen years of age, dogs, hogs and other animals and on all real estate within said town which is not exempt from State taxation, and all such other subjects in said town as may at the time be assessed with State taxes, provided that the tax do not exceed one dollar on every one hundred dollars of value of unimproved lots, and seventy-five cents on every one hundred dollars of the value of real and personal property, or two dollars per head on each taxable person.

Licenses.

21. When any thing for which a State license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may in any case, require from the person so licensed a bond, with sureties in such penalty and with such conditions as it may determine.

Duties, powers,
and compensation
of sergeant.

22. The sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time he may receive the books of the assessor of said town, may distrain and sell therefor in the manner as a sheriff may for State taxes, and shall in all respects have the same powers as the sheriff to enforce the payment and collection thereof, and shall within the corporate limits of the town exercise all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled

to the same compensation therefor, and he and his securities shall be liable to all the fines, penalties and forfeitures, that a constable is legally liable to for any failure or dereliction in said office, to be recovered in the same manner and before the same tribunals that the same are now recovered against constables.

23. There shall be a lien on real estate for the town taxes assessed thereon, from the commencement of the year for which they are assessed, and the council may order and require the same to be sold or rented by the sergeant, at public auction, for the arrears, with interest thereon, with such per centum as the council may prescribe for charges and expenses thereof, and may regulate the terms upon and time within which the same may be recovered. No such sale or renting shall be ordered until such realty be returned delinquent, and the sale shall be after twenty days' notice, posted at the court house door and the post office in said town.

Lien on real estate for taxes.

24. The council may prohibit any theatrical or other performance, show or other exhibition it may deem injurious to the morals or good order of the town.

Prohibition of shows.

25. The mayor shall be the chief executive officer of the town; shall take care that the by-laws, ordinances and orders of the council are faithfully executed; shall be *ex officio* a conservator and justice in the town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction in civil causes; shall have control of the police of the town, and may appoint special police officers; shall see that peace and good order are observed, and that persons and property are protected in the town; shall have power to issue executions for all fines and costs imposed by him, or may require the immediate payment thereof, and in default of such payment, may commit the party in default to the jail of the county until the fine and costs be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem needful to the welfare of the town, and shall receive a compensation for his services, to be paid by the council, which shall not be increased or diminished for the term for which he was elected.

Duties, powers and compensation of mayor.

26. The recorder shall keep a journal of the proceedings of the council, and have charge of and preserve the records of the town, and shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he was elected.

Duty and compensation of recorder.

27. All moneys belonging to the said town shall be paid over to the treasurer, who shall pay out the same on the order of the mayor, countersigned by the recorder, and not otherwise; and for any default or liability upon the part of the treasurer or sergeant, the council, in the corporate name of said town, may, on motion, after ten days' notice, obtain judgment before the circuit court of said county, on

Duty of treasurer.

account thereof, against them and their securities, respectively, or any or either of them, or their heirs or legal representatives.

Exemption from road tax.

28. The said town, and taxable persons and property therein, shall be exempt from all expense or liability for the construction or repair of roads or bridges outside the corporate limits of said town.

CHAPTER 9.—An ACT for the regulation of the West Virginia Agricultural College.

Passed February 7, 1867.

Preamble.

WHEREAS, The Congress of the United States did, by act passed on the second day of July, eighteen hundred and sixty-two, and by subsequent act passed on the nineteenth day of April, eighteen hundred and sixty-four, donate to the State of West Virginia certain lands (one hundred and fifty thousand acres) for the promotion of agriculture and the mechanic arts, including military tactics, within the State of West Virginia; the proceeds of which are to be invested in bonds and stocks of the United States, or stock of this State, and are to become a permanent endowment for the purpose of maintaining an agricultural college in the State of West Virginia, upon conditions recited in said acts;

Donation of lands by congress.

Acceptance of donation.

And whereas, the Legislature of the State of West Virginia did, on the third day of October, eighteen hundred and sixty-three, pass an act accepting the said donation, and the said land warrants having been received by the Governor, and by him sold and converted into current funds of the United States;

Tender of Monongalia Academy.

And whereas, the board of trustees of Monongalia Academy have, by resolution, passed on the ninth day of January, eighteen hundred and sixty-six, tendered to the State of West Virginia the buildings, property and funds of said Academy, including the property known as Woodburn Female Seminary, by resolution in the following words, to-wit:

“Resolved, That this board tender to the Legislature of West Virginia, all the real estate and personal effects held as the property of ‘Monongalia Academy,’ including the property known as ‘Woodburn Female Seminary,’ amounting as a whole to the following estimated value, viz:

| | |
|---|----------|
| “Woodburn Female Seminary..... | \$25,000 |
| “Monongalia Academy and dwelling..... | 15,000 |
| “Cash, bonds, bank stock, &c..... | 10,000 |
| “Library and other personal property..... | 1,000 |

“Amounting to.....\$51,000

To be absolutely held and used by the State of West Virginia, on the express condition that the contemplated agricultural college be located permanently at or near Morgantown, and that the funds and real estate hereby tendered be used solely for the benefit of said college;” therefore,

Be it enacted by the Legislature of West Virginia:

1. That the funds derived from the sale of the United States land warrants donated to this State for the purpose of endowing an agricultural college, be invested, by the Governor, in a loan or public stock of the United States, for the use and benefit of a college to be called the "Agricultural College of West Virginia," endowed as aforesaid, and to be further established, regulated and maintained according to a plan hereinafter provided for.

Investment of proceeds.

2. That this State hereby accepts the tender of the board of trustees of Monongalia Academy; and that said college shall be permanently located at or near Morgantown, in the county of Monongalia, and that the interest and dividends accruing from the fund donated by Congress be appropriated to aid in the establishment of said college.

Tender of Monongalia Academy accepted.

3. That the governor of this State shall, within thirty days after the passage of this act, appoint eleven suitable persons, one from each senatorial district, who shall constitute a board of visitors for said college, and who shall have a common seal; any three of whom may constitute a quorum for the transaction of ordinary business; but for making arrangements for the erection of buildings, or permanent alteration of the present buildings, as well as the appointment to or removal from office of professors, the concurrence of a majority of the board shall be required.

Visitors.

How appointed.

Quorum.

4. When the said board hereby constituted, shall have served one year, two of their number, (to be determined by lot,) shall vacate their positions, and two others, on each succeeding year, shall do the same, and the remaining nine shall annually elect from the senatorial districts vacated, two new members of the board, who shall be approved and commissioned by the governor. In case of death, removal, or refusal to act, any three members of said board may proceed to call the rest of the board together to fill such vacancy.

Vacancies.

How filled.

5. That it shall be the duty of said visitors, on or before the first Wednesday of April next, and on the first Wednesday in July annually thereafter, or at such time as they may designate, to meet at the college buildings, now known as "Woodburn Female Seminary," and there establish such departments of education in literature, science, art and agriculture, as they may deem expedient, and as the funds under their control may warrant, and purchase such materials, implements and apparatus as may be requisite to proper instruction in all said branches of learning, so as to carry out the spirit of the act of Congress aforesaid, approved July second, eighteen hundred and sixty-two. And they shall also appoint a superintendent, who shall have general supervision and control of the property and interests of said college during the vacation of said board.

Meetings of Visitors.

Duty of visitors.

Superintendent.

6. That said board shall establish and declare such rules and regulations and by-laws as they may deem necessary for the proper organization, tuition and good government of the said college, and the pro-

Establishment of rules for college.

- tection of the public property belonging to said college, as shall not be inconsistent with the laws of this State or of the United States; they shall appoint a treasurer, taking bond from him with ample security, conditioned for the faithful keeping and disbursing of such money herein or hereafter appropriated, and such other moneys as shall be allowed by said board to come into his hands from time to time; they shall also settle his accounts annually, or oftener if they think best;
- Treasurer.** inspect all the public property of said college, and make a full report of the condition, income, expenditures and management of said college, to the governor, annually; to be by him laid before the legislature.
- Annual report of visitors.**
- Preparatory department.** 7. Said board shall have power to create a preparatory department to said college, and appoint any other professorship than heretofore mentioned, if the same be deemed essential; fix the salaries of the several professors and of the superintendent, and remove them for good cause; but in cases of removal, the concurrence of a majority of the board shall be required, and the reasons therefor shall be communicated in a full written statement thereof to the governor.
- Professors; their salaries and removal.**
- Admission of students from senatorial districts.** 8. Besides prescribing the general terms upon which students may be admitted, the course of their instruction, and the kind and duration of their services, (which duration shall not exceed five, nor be less than two years,) the said visitors are still further empowered to admit, as the regular students or cadets of said college, any number of young men, not fewer than one nor more than two, from each senatorial district in this state, and who shall not be less than sixteen nor more than twenty-five years of age, and their admission to be made upon undoubted evidence of a fair moral character. But, should no application be made from any of said senatorial districts, then the vacancies may be filled from the state at large.
- Privileges of such students.** 9. That the said students thus admitted shall be entitled to all the privileges and immunities, educational advantages and benefits of the college, free of charge for admission, tuition, books and stationery, and they shall constitute the public guard of the said college and the public property aforesaid. And whenever the said board shall certify to the governor that said college is ready to go into operation, and that students have been appointed and admitted as hereinbefore provided for, he shall forthwith forward to the superintendent of the said college a sufficient number of public arms and equipments, ordnance and munitions for the use of the college, to be kept in an arsenal of the said college, set apart for the purpose. And the professor and students of said college receiving instructions in military tactics and the art of war, shall be individually and collectively responsible for the preservation and safe keeping of said arms.
- Public guard of college.**
- Governor to furnish arms.**
- Responsibility for arms.**
- Expenses of visitors, how paid.** 10. All reasonable expenses incurred by said visitors in discharging the duties hereby imposed upon them, (not, however, including any wages or *per diem* compensation,) shall be allowed, and when admitted by the governor, shall be by him caused to be paid out of the treasury of the state, in like manner as all sums are drawn therefrom.

11. That it shall be lawful for the said board to expend so much of the appropriation herein provided as may be proper for the procuring, repairing or erecting such buildings as may be necessary for the accommodation of professors and students of said college : said board shall be and are hereby authorized to contract for and erect, at such time as they may deem proper and necessary, such additional buildings as may be needed ; provided, however, that such expenditures shall not exceed the sum of one thousand dollars annually for the first five years. They may also expend five thousand dollars of the funds received from the trustees of the Monongalia academy, in purchasing landed estate for the use of the agricultural department of said institution, contiguous to said seminary.

Expenditures by
board of visitors
for

buildings

and land.

12. That the governor, board of visitors and faculty may graduate any student of the college, found (after proper examination,) duly qualified, and shall certify the same, by affixing the seal of the college to his diploma.

Graduation of
students.

13. That the board of visitors constituted as aforesaid shall, on or before the first day of April next, accept and receive from the board of trustees of Monongalia academy a deed or deeds for the real estate and personal property so tendered to this State by their resolution aforesaid, to themselves, as the board of visitors of the agricultural college of West Virginia, and their successors forever, to be placed on record in the Recorder's office of Monongalia county, and then deposited in the office of the Secretary of the State.

Conveyance of
property to the
board of visitors.

14. That the said board shall have power to appoint a treasurer who shall, after giving bond, as before provided, receive from the trustees of the Monongalia academy all funds and securities tendered by their resolution hereinbefore recited.

Treasurer.

15. This act shall at all times be subject to alteration or amendment by the Legislature.

Amendment of
act.

CHAPTER 10.—An act to transfer the interest of the State in the Maryland and Virginia Bridge Company, at Shepherdstown.

Passed February 8, 1867.

Be it enacted by the Legislature of West Virginia :

The interest of the State, as a stockholder in the Maryland and Virginia Bridge Company, at Shepherdstown, in Jefferson county, is hereby transferred to John E. Schley, John D. Staley, David Billmyer, George Byers, Elias Baker and Joseph Welshans, to be divided among the said parties in proportion to the amount of stock now owned by each, who are hereby invested with all the rights, titles, powers and privileges heretofore vested in this State, as such stockholder; Provided, that a bridge shall be placed across the said river from Shepherdstown, in Jefferson county, in this State, to Bridgeport in Washington

Interest of State
transferred.

How divided.

Proviso.

county, Maryland, on or before the first day of November, eighteen hundred and sixty-nine.

CHAPTER 11.—An act to change the times of holding the Courts in the Sixth Circuit.

Passed February 8, 1867,

Be it enacted by the Legislature of West Virginia:

1. The commencement of the terms of the circuit court in the several counties of the sixth judicial circuit shall hereafter be as follows:

Jackson.

For the county of Jackson, on the first day of March, May, September and November.

Roane.

For the county of Roane, on the twelfth day of March, May, September and November.

Calhoun.

For the county of Calhoun, on the twentieth day of March, May, September and November.

Wirt.

For the county of Wirt, on the twenty-eighth day of March, May, September and November.

Wood.

For the county of Wood, on the sixth day of April, June, October and December.

Law repealed.

2. So much of chapter fifty-seven, of the acts of eighteen hundred and sixty-six, as is in conflict with this act is hereby repealed.

CHAPTER 12.—An act to incorporate the Parkersburg Bridge Company.

Passed February 9, 1867.

Be it enacted by the Legislature of West Virginia:

Opening of subscription books.

1. That it shall be lawful to open books under the superintendence of S. D. Karns, John V. Rathbone, Okey Johnson, J. N. Camden and Thomas Tavenner, or any three of them, in the city, to receive subscriptions to the capital stock of the company hereby incorporated, for the purpose of building a bridge across Kanawha river.

Capital stock.

2. The capital stock of said company shall consist of one thousand shares at fifty dollars each, and when three hundred shares are subscribed, the subscribers, their executors, administrators and assigns

Incorporation.

are hereby incorporated by the name of "The Parkersburg Bridge Company," and shall be governed by the provisions of the fifty sixth, fifty-seventh and sixty-first chapters of the Code of Virginia so far as the same are applicable, and not inconsistent with this act. At all

Votes of stockholders.

general meetings and elections, each stockholder may in person or by proxy, cast one vote for every share of stock owned by him.

Construction of bridge.

3. The said company shall have power to construct a bridge across the Little Kanawha river, any where between Green street in the said city of Parkersburg, and the mouth of Worthington creek on said

river. The said bridge shall be constructed at such a height above the water, or have a draw in said bridge of sufficient capacity to allow steam and other boats to pass up and down said river without obstruction or unnecessary delay. This act shall not be construed to mean that the said bridge obstructs navigation at any stage of water when steamboats can pass under it with safety by lowering their chimneys. So soon as the said bridge shall be completed, the company may demand and receive the following tolls for the passing the same, to wit: For any person on foot, five cents; for any person on horseback, ten cents; for every led or driven horse or mule, five cents; for every two wheeled riding carriage, or cart, fifteen cents; for every four wheeled riding carriage, stage or wagon, twenty-five cents; for every head of cattle one and a half cents; for every score of sheep or hogs, ten cents; and all acts prescribing general regulations for the incorporation of turnpike companies, relating to the exaction of legal tolls, or the refusal to pay tolls, shall be held and deemed to be equally applicable to the aforesaid bridge. The Legislature reserves the right to alter the rates of tolls on the aforesaid bridge.

Its height.

Tolls.

Reserved right of Legislature.

CHAPTER 13.—An Act making an appropriation to the Penitentiary.

Passed February 9, 1867.

Be it enacted by the Legislature of West Virginia:

The sum of fifty thousand dollars is hereby appropriated to be applied to defraying the expenses that have and may arise from the building of the penitentiary at Moundsville, and the same shall be paid by the auditor on the draft of the treasurer of said penitentiary, endorsed by the president of the board of directors thereof.

\$50,000 appropriated.

How paid.

CHAPTER 14.—An Act for the relief of Leonard Lamb.

Passed February 11, 1867.

Be it enacted by the Legislature of West Virginia:

That the sum of five hundred and thirty one dollars and twenty seven cents, with sixty three dollars and seventy five cents interest thereon, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay Leonard Lamb the balance due him on settlement with the board of public works, as superintendent of the Northwestern Virginia turnpike road.

\$531.27 appropriated.

CHAPTER 15.—An Act to amend the charter of the town of Shepherdstown.

Passed February 11, 1867.

Be it enacted by the Legislature of West Virginia:

1. The charter of the town of Shepherdstown in the county of Jefferson, is hereby amended and re-enacted so as to read as follows:

- Who entitled to vote. All persons resident in said town, and entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen. At all elections the vote shall be by ballot, and when two or more persons for the same office, at any election, shall receive an equal number of votes, the person or persons conducting such election shall decide which of said persons shall be returned elected. And all contested elections shall be determined by the council for the time being, and every election to be held by virtue of this act, shall meet at some convenient place in said town annually, on the first Monday in April, and then and there nominate and elect ten fit and able men, being freeholders and inhabitants of the town, to serve as mayor, recorder and common councilmen for the same; and the persons so elected, shall within one week after their election, proceed to choose by ballot, out of their own body, one mayor and one recorder, whose several authorities as mayor, recorder and common councilmen, shall continue until a new election shall have taken place, and those elected shall have qualified.
- Elections.
- Contests.
- Mayor and recorder.
- Quorum of council. 2. The presence of the mayor or the recorder and five councilmen, or, in case both the mayor and recorder be absent, the attendance of seven common councilmen shall be necessary to constitute a board for the transaction of business; at which the mayor, and in his absence, the recorder shall preside; and if both the mayor and the recorder be absent, the common councilmen shall appoint one of their number to preside *pro tempore*. The board, so constituted, shall have power to establish a market, and appoint a clerk thereof, and make such rules and regulations concerning the same as they may deem necessary; to regulate the weighing and measuring of wood and hay; to regulate the streets and alleys of said town; to keep the same in repair; to lay off, open, pave and curb streets, alleys, walks and gutters for the public use, and to alter, improve and light the same, as well as the streets and alleys now open, and to have said streets and alleys kept in good order and free from obstructions on or over them; to regulate the width of the sidewalks and streets, and to order the sidewalks, footways and gutters to be curbed, paved and kept in good order, free and clean, by the owners or occupants of the adjacent property; to lay off public grounds, and provide, contract for and take care of public buildings proper to the town; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate, or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance; to prevent persons from galloping horses through the streets; to prevent hogs from running at large in said town; to remove nuisances from the streets and alleys of said town at the expense of those who occasion them, and from the lots at the expense of the owners thereof, provided they neglect to do the same after having been notified so to do by the mayor, recorder and common council; to lay and collect taxes on the real property and persons within the same; provided such taxes shall not in any one year exceed five per centum on the annual rent of houses and lots, to be ascertained by a commissioner or commissioners appointed for that
- Powers of council.

purpose by the mayor, recorder and common councilmen, and seventy cents on every tithable person; to have power to lay and collect a tax from the owners or keepers of dogs; provided that such tax, during any one year, shall not exceed one dollar per head; and, finally, to make such by-laws, rules and regulations for the government of the affairs of said town as shall not be contrary to the constitution or laws of this State or the United States.

3. It shall be lawful for the mayor, recorder and common councilmen, for the time being, to appoint three or more commissioners to superintend the election of the said ten persons to serve as mayor, recorder and councilmen; and, in any case, any two or more persons nominated or voted for in the said election (and not being elected) shall have an equal number of votes, and proclamation having been made that the election is closing, the said commissioners, or a majority of them, shall determine and say which of the said persons voted for as aforesaid shall be returned as elected.

Commissioners of election.

4. The said mayor, recorder and common councilmen, before they enter upon the duties of their office, shall make oath or affirmation before some justice, faithfully and impartially to execute the same; a certificate of which oath or affirmation shall be entered of record among the proceedings of said mayor, recorder and common councilmen, in common hall assembled.

Oaths of officers.

5. The recorder shall keep a regular record of all the proceedings of the said mayor, recorder and common council, and if he be absent or presides in the absence of the mayor, the common councilmen shall choose one of their own body to act as recorder *pro tempore*; and all acts and ordinances and minutes of the proceedings shall be signed by the person presiding, and the recorder for the time being; and said recorder may be annually allowed by the mayor and common council a reasonable compensation for his services. The said mayor, recorder and common councilmen, so soon as they shall have qualified, as hereinbefore directed, shall be a body politic and incorporate by the name and style of the "Mayor, Recorder and Common Council of Shepherdstown," and shall have perpetual succession, and a common seal, and by that name may sue and be sued, implead and be impleaded, and purchase and hold lands, tenements and hereditaments necessary to enable them the better to discharge their duties, and for the good order and government of the said town. Vacancies in the office of mayor, recorder and common councilmen shall be supplied by a majority of the remaining members, until an annual election takes place.

Duty and compensation of recorder.

Incorporation.

Vacancies in office.

6. The said mayor and recorder shall be conservators of the peace within said town, and shall and may exercise all the powers and duties of justices within the same.

Powers of mayor and recorder.

7. The said mayor, recorder and common council shall appoint a sergeant and all other officers necessary to conduct the business of

Sergeant; his powers, duties and bond.

the said corporation, and for the good order and government of the said town; and said sergeant shall possess all the powers of a constable within the limits of said town; and it shall, moreover, be the duty of the said sergeant to collect and account for all taxes, fines and ameracements imposed within the same, and do and perform all other acts appertaining to the office of sergeant of the corporation; and before he enters upon his office he shall make oath or affirmation, before the mayor or recorder, faithfully and impartially to execute his said form, and shall, moreover, give bond and security, to be approved of by the mayor, recorder and common council, in such sum as they shall require, payable to said mayor, recorder and common council, conditioned for the faithful execution of the duties of said office, and to collect and account for all taxes, fines and ameracements imposed within said town; and if the said sergeant fail to collect and account for the same according to the condition of said bond, it shall be lawful for the said mayor, recorder and common council to recover the same, by motion before the superior or interior court of Jefferson county, against the said sergeant and his securities, or either of them, his or their executors or administrators, giving ten days' previous notice of such motion.

- Taxes.** 8. The taxes in said town shall be annually laid in the month of May or June, and shall be paid and accounted for by the sergeant aforesaid, at the same time that the county levies of this commonwealth are payable and due, and the said sergeant shall have and possess the same right of distress, and powers in collecting the same, that the collectors of the county levies aforesaid have and possess.
- Decision of questions by council.** 9. All questions depending before the mayor, recorder and common council aforesaid shall be decided by a majority of the board. Each member present shall have one vote, except the person who presides, who shall only vote when the board is equally divided.
- Laws repealed.** 10. All acts and parts of acts coming within the purview of this act shall be and the same are hereby repealed.
- Commencement.** 11. This act shall commence and be in force from and after the thirty-first day of March next.

CHAPTER 16.—An ACT incorporating the village of Barboursville, in the county of Cabell.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia:

- Incorporation.** 1. That the place known as the town of Barboursville, in the county of Cabell, be and the same is hereby made a village corporate and body politic, by the name of "The Village of Barboursville," and as such shall have perpetual succession and a common seal; and by that

name may sue and be sued, plead and be impleaded, and purchase, lease and hold real and personal property necessary to the purposes of said corporation.

2. The corporate limits of said village shall be as follows, viz: Corporate limits.
Beginning on Guyandotte river. at the mouth of the first branch above the said village; thence up said branch to the foot of the hill, and with the same to a point near the house now occupied by Lafayette Samuels; thence crossing the bottom to the foot of the opposite hills, so as to include the house and lot occupied by the said Samuels; thence a straight line to a white oak tree on the branch passing near the residence of Wilson B. Moore, (being the white oak tree nearest the turnpike;) thence down said branch to Mud river, and down said river to its mouth; thence up Guyandotte river to the beginning.

3. The municipal authorities of said village shall be a mayor, recorder and five councilmen, who together shall form a common council. Municipal authorities.

4. All the corporate powers of the said corporation shall be exercised by the said council or under their authority, except where otherwise provided. How corporate powers exercised

5. The mayor, recorder and councilmen must be freeholders in said village, and entitled to vote for members of its common council. Qualifications for office.

6. Their term of office shall be for one year and until their successors shall have been elected and qualified as hereinafter provided. Term of office.

7. The mayor, recorder and councilmen shall be elected by the citizens of said village who may be entitled to vote under this act. How officers elected.

8. The first election under this act shall be held on the fourth Thursday in April, 1867, at the court house of Cabell county, under the supervision of Greenville Harrison, Milton Stewart, Oscar W. Mather, J. V. Sweetland and J. B. Baumgardner, or any three of them; and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations as the council of said village may prescribe. The persons conducting the first election under this act shall grant a certificate to the persons elected, which certificate shall be recorded among the records of said village. If, from any cause, the first election shall not be held on the day herein specified, the same may be held on any subsequent day, upon ten days' notice thereof being posted on the front door of said court house by any three of the qualified voters of said village, under the superintendence of the persons aforesaid, or under the superintendence of any three voters of said village appointed for that purpose by the voters present. But the term of office of the persons elected on such subsequent day shall be held to commence on the said fourth Thursday in April, eighteen hundred and sixty-seven. Elections.

9. All persons who have had their domicile in the said village for six months next preceding the day of election, who are qualified to vote Who entitled to vote.

for members of the legislature of this State, and none others, shall be entitled to vote for all officers elected by the people under this act.

Vote by ballot.

10. At all elections the vote shall be given by ballot.

Persons receiving equal number of votes.

11. Whenever two or more persons shall receive an equal number of votes for the same office, the persons under whose supervision the election is held shall decide which of them shall be returned as elected, and shall make their return accordingly.

Contested elections.

12. All contested elections shall be heard and decided by the council for the time being.

Vacancies in office; how filled.

13. Whenever a vacancy shall occur, from any cause, in the office of mayor, recorder or councilman, the council for the time being shall, by a vote of a majority of those present, fill the vacancy for the unexpired term.

Constable, treasurer, assessor, and superintendent of streets.

14. There shall be a constable, a treasurer, an assessor, and a superintendent of roads, streets and alleys of the said village, who shall be appointed by the council thereof, and hold their offices during the pleasure of said council. The duties of recorder, treasurer and assessor may be discharged by the same person, or otherwise, as the council may from time to time determine.

Oaths of certain officers.

15. The mayor, recorder and councilmen shall each, before entering upon the duties of their offices, and within one month from the date of their election or appointment, take the oath prescribed by law for all officers of this State, and make oath or affirmation that they will truly, faithfully and impartially, to the best of their abilities, discharge the duties of their respective offices so long as they shall continue therein. Said oath or affirmation may be taken before any person authorized to administer oaths under the laws now in force, or before the mayor or recorder of said village.

When new council enter on their duties.

16. Whenever any three of the newly elected councilmen shall have been so qualified, they shall enter upon the duties of their said office and supersede the former councilmen.

When officers enter on their duties.

17. The mayor, recorder and all other officers provided for in this act, shall enter upon the duties of their offices as soon as they are qualified, and shall continue therein until their successors are elected and qualified.

When offices declared vacant.

18. If any person elected to the office of mayor, recorder or councilman, shall not be eligible to such office under the provisions of this act, or shall fail to qualify as herein required, the council for the time being shall declare his said office vacant, and shall proceed to fill the vacancy as required by this act.

Who to preside over council.

19. The council shall be presided over at its meeting by the mayor, or in his absence by the recorder; or in the absence of both mayor and

recorder, by one of the councilmen selected by a majority of the council present.

20. The presence of a majority of the council shall be necessary to make a quorum for the transaction of business. Quorum of council.

21. The council shall cause to be kept in a well bound book an accurate record of all its proceedings, by-laws, acts, orders and resolutions, which shall be fully indexed, and open to the inspection of any one who is required to pay in tax to such corporation. Journal of council.

22. At each meeting of the council the proceedings of the last meeting shall be read, and corrected if erroneous, and signed by the presiding officer for the time being. Upon the call of any member, the ayes and noes on any question shall be taken and recorded in the journal. Proceedings of council.

23. The mayor and recorder shall have votes as members of the council, and in cases of a tie the presiding officer for the time being shall have the casting vote. Mayor and recorder may vote.

24. The said village within the corporate limits aforesaid shall constitute a separate road and school district of the said county of Cabell, and the said council shall constitute the board of education of said school district. Said board of education shall have all the powers and perform all the duties within the said corporation, as are conferred upon and required of township boards of education and trustees of school districts, and shall be subject to the same liabilities, pains and penalties as such boards and trustees. Corporation a road and school district.
Powers and duties of council as board of education.

25. The said council shall have power within said village to lay off, open, close, alter, curb, pave and keep in good repair, roads, streets, alleys, sidewalks, crosswalks, drains and gutters, for the public use, and to improve and light the same and have them kept free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof or of the real property next adjacent thereto; to purchase or otherwise procure so much land, not exceeding five acres, as they may deem necessary for the erection of school houses and other buildings proper for the use of said village, and to contract for, build, enclose, ornament and take care of such buildings; to establish and regulate markets; to prescribe the times of holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals, from any thing dangerous, offensive or unwholesome; to prevent hogs, cattle, horses, sheep and other animals and fowls of all kinds, from going at large in said village; to protect places of divine worship in and about the premises where held; to abate or cause to be abated any thing which in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in or near Powers of council.

Powers of council.

the village places for the burial of the dead, and to regulate interments in the village; to provide for the regular building of houses or other structures, and for the making of division fences by the owners of adjacent premises, and the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or damage from fires; to protect the persons and property of the citizens of said village, and to preserve peace and good order therein, and for this purpose to appoint, when necessary, a police force to assist the constable in the discharge of his duties; to prescribe the powers and define the duties of the officers appointed by the council, fix their terms of service and compensation, require and take from them bonds where deemed necessary, payable to said village in its corporate name, with such sureties and in such penalty as the council may see fit, conditioned for the true and faithful discharge of their duties; to erect, or authorize or prohibit the erection of gas works or water works, in or near the village; to prevent injuries to or pollution to the same, or to the water or healthfulness of the village; to regulate and provide for the weighing of hay, coal and other articles sold or for sale in said village, and to regulate the transportation thereof through the streets; to provide a revenue for the said village and appropriate the same to its expenses; to provide for the annual assessment of taxable persons and property in the village; to adopt rules for the transaction of business and the government and regulation of its own body. The council shall have jurisdiction for police purposes for one mile beyond the corporate limits of said village.

Same.

26. To carry into effect these enumerated powers and all others conferred upon the said village or its council, expressly or by implication, in this or any future act of the legislature of this State, the council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of this State; and to prescribe, impose and enact reasonable fines, penalties and imprisonment in the county jail for a term not exceeding thirty days, for violation thereof. Such fines, penalties and imprisonment shall be recovered and enforced under the judgment of the mayor of said village or the person lawfully exercising his functions. And the authorities of the said village, may with the consent of the board of supervisors of the said county, entered of record, use the jail of the said county of Cabell, for any purpose for which the use of a jail may be needed by them under the acts of the council or of the State.

Estimate for annual levy.

27. The council shall cause to be annually made up and entered upon its journal, an accurate estimate of all sums which are or may become lawfully chargeable on said village, and which ought to be paid within one year; and it shall order a village levy of so much as may, in its opinion, be necessary to pay the same.

On whom levy may be.

28. The levy so ordered shall be upon all male persons, residents of said village, over the age of twenty-one years, dogs, and all real and

personal estate within said village subject to State or county taxes; provided, that the tax so levied upon property do not exceed one dollar on every one hundred dollars of the value thereof, and upon persons two dollars per head.

29. Whenever any thing for which a State license is required is to be done within the said village, the council may require a village license therefor and may impose a tax thereon for the use of the village. But no license to sell strong or spirituous liquors, or wine, beer, ale, porter or drinks of like nature within the said village, or within one mile of the corporate limits thereof, shall be granted by the board of supervisors of the county of Cabell, unless the person applying therefor shall produce to said board the certificate of the council of said village of its consent to the granting of such license. The council may require from the person so licensed a bond, with sureties, payable to said village, in such penalty and with such condition as it may think proper, and may revoke such license at any time if the condition of said bond be broken. Licenses.

30. If the owner or occupant of any sidewalk, footway or gutter in said village, or of the real property next adjacent thereto, shall fail or refuse to curb, pave, or keep the same clean, in the manner or within the time required by the council, it shall be the duty of the council to cause the same to be done at the expense of the said village, and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the village constable in the manner herein provided for the collection of the village taxes. Sidewalks and gutters to be kept clean.

31. It shall be the duty of the village constable to collect the village taxes, fines, levies and assessments, and in case the same are not paid within one month after they are placed in his hands for collection, he may distrain and sell therefor in like manner as a sheriff may distrain and sell for State taxes, and he shall have in all other respects the same power as a sheriff to enforce the payment and collection thereof. And the said constable shall have all the powers, rights and privileges within the corporate limits of said village, in regard to the arrest of persons, the collection of claims, and the execution and return of process, that can be legally exercised by the constable of a township within the same, and he shall be entitled to the same compensation therefor, and he and his securities shall be liable to all the fines, penalties and forfeitures that a constable of a township is legally liable to for any failure or dereliction in said office, to be recovered in the same manner and in the same courts that said fines, penalties and forfeitures are now recovered against such township constable. Constable; his duties, powers and compensation.

32. There shall be a lien on real estate within said corporation, for the village taxes assessed thereon, from the commencement of the year for which they are assessed, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the Lien on real estate for taxes,

authorities of said village, from the time the same are so assessed or imposed.

How such lien enforced.

33. The lien provided for in the preceding section may be enforced by the council in the same manner as the lien for taxes for county purposes is now enforced. The lien aforesaid shall have priority over all other liens, except the lien for taxes due the State and county.

Council may prohibit shows.

34. The council may prohibit any theatrical or other performance, show or exhibition which it may deem injurious to the morals or good order of the village.

Bonds of constable and treasurer

35. The constable and treasurer shall before entering upon the duties of their offices execute bonds with securities satisfactory to the council, payable to said village, in such penalty, not less than three thousand dollars, as the council may prescribe. The constable's bond shall be conditioned for the true and faithful performance of the duties of his office as such constable, and for the collecting, accounting for and payment of all taxes, fines, penalties, assessments and other moneys which shall come into his hands as such constable, or which it shall be his duty to collect, at such times and to such persons as are required by this act or as the said council may order. The treasurer's bond shall be conditioned for the faithful performance of the duties of his office and that he will pay over and account for all moneys that shall come into his hands as treasurer, when and as he shall be thereto required by the council.

Mayor: his duties, powers and compensation.

36. The mayor shall be the chief executive officer of the village. He shall take care that the orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall be *ex officio* a justice and conservator of the peace within the said village, and shall, within the same, possess and exercise all the powers and duties vested by law in a justice of a township, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the village, and may appoint special police officers whenever he deems it necessary. And it shall be his duty especially to see that the peace and good order of said village are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in said village before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment, he may commit the party in default to the jail of Cabell county until the fine or penalty and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the village. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during the term for which he shall have been elected.

37. The recorder shall keep the journal of the proceedings of the council, and have charge of and preserve the records of the village. In the absence from the village or sickness of the mayor or during any vacancy in the office of mayor, he shall perform the duties of the mayor and be invested with all his powers. He shall be a conservator of the peace within the village. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during the term for which he shall have been elected.

Recorder; his duties, powers and compensation.

38. It shall be the duty of the village constable, at least once in every six months during his continuance in office, and oftener if thereto required by the council, to render an account of the taxes, fines, penalties, assessments and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency; to which list he shall make an affidavit that he has used due diligence to collect the same but has been unable to do so. If the council shall be satisfied of the truth of said affidavit, it shall allow the said constable a credit for said claims. But if the council shall be of opinion that, by the use of due diligence on the part of said constable, he could have collected the said claims, or any part of them, then he will be charged with such as he might have collected. He shall receive for his services in the collection of taxes and assessments a commission of five per centum on the amount thereof, to be paid by the person from whom the same is collected. But any person owing such taxes or assessments may pay the same to the treasurer without costs, and take his receipt therefor at any time before the same shall be placed in the hands of the constable for collection.

Constable; his duties, powers and compensation.

39. All moneys belonging to the said village shall be paid over to the treasurer; and no money shall be paid out by him except as the same shall have been appropriated by the council; he shall pay the same upon the certificate of the recorder, or in his absence upon the certificate of the mayor, and not otherwise.

How village moneys received and disbursed.

40. If the constable shall fail to collect, account for and pay over to the treasurer all the taxes, fines, penalties, assessments and other moneys belonging to the said village, collected by him or placed in his hands for collection, according to the conditions of his bond and the orders of the council, it shall be lawful for the council to recover the same by motion, in the corporate name of the village, in the circuit court of Cabell county; or where the sum does not exceed one hundred dollars, before a justice of the township in which said village is situated, against the said constable and his sureties, or any or either of them, or his or their executors or administrators, on giving ten days notice of such motion. And in case the treasurer shall fail to account for and pay over all or any moneys that shall come into his hands belonging to said village, when thereto required by the council, it shall be lawful for the council to recover the same, in like manner and upon like notice, from the treasurer and his securities, or either of them, or his or their personal representatives, as is provided in relation to the constable.

Action against constable for failure in duty.

Like action against treasurer.

Exemption from taxes for roads and schools outside corporation.

41. No taxes or levies shall henceforth be assessed upon or collected from the taxable persons or property within the corporate limits of said village, for the opening or keeping in repair of roads, the building, leasing or repairing of school houses, or the purchase of lands for the same, or for the support of schools, outside of said corporate limits; and neither the board of supervisors of the county of Cabell, nor the authorities of the township in which said village is situated, shall have or exercise any jurisdiction within said corporate limits in relation to the roads, streets, alleys, schools or school houses therein; that the same shall hereafter be and remain under the exclusive jurisdiction and control of the municipal authorities of said village, and all taxes and levies heretofore collected from the residents of said village for any of the purposes aforesaid, and which remain unexpended, shall be paid over to the treasurer of said village by the sheriff of said county or other officer in whose hands the same may be.

Council may borrow money for school purposes,

42. The council shall have power to borrow such sum of money as they may deem necessary, not exceeding five thousand dollars, upon the credit of said village, at a rate of interest not exceeding seven per centum per annum, for the purpose of purchasing land and erecting thereon a good and sufficient school house, with the necessary enclosures and other buildings and appurtenances thereto, for the use of the schools of the said village. And in case the said council shall at any time fail to pay the principal or interest, or any part thereof, of the money so borrowed, according to the terms of their contract, it shall be the duty of the circuit court of the said county of Cabell, upon the application of the person to whom the same is payable, to compel the payment thereof by the said council, by a writ of mandamus. In case the council shall borrow money under the provisions of this section, it shall, from time to time, in addition to the tax authorized by section twenty-eight, levy a tax specially appropriated to that purpose, sufficient to pay the principal and interest of the money so borrowed, as the same may become due. And in any case where a higher rate of taxes than is provided by said section is necessary for the building of school houses or for the support of schools in the said village, it shall be the duty of the council to assess such additional taxes as may be necessary for such purposes.

and levy tax for its payment.

Assessor; his duties and compensation.

43. It shall be the duty of the assessor to make an assessment of the persons and property within the said village subject to taxation, substantially in the manner and form in which such assessments are made by the assessor of the county, and to return the same to the council on or before the first day of July in each year; and for this purpose he shall have all the powers conferred by law upon county assessors. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during his continuance in office.

Superintendent of streets; his powers, duties and compensation.

44. It shall be the duty of the superintendent of roads, streets and alleys to superintend the opening, construction and repair of the roads, streets, alleys, sidewalks, crosswalks, footways, drains and gutters within the said village, and to put and keep the same in good repair,

and carry into execution all the resolutions, orders and ordinances of the council in relation thereto. And for this purpose he shall have all the rights, powers and privileges, and perform all the duties by law conferred upon and required of surveyors of roads in a township, and shall be subject to the same pains and penalties imposed by law upon such surveyors for any neglect of his duty. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during his continuance in office.

45. All the able-bodied male inhabitants of the said village over twenty-one and under fifty years of age, who have resided therein for at least thirty days, shall work upon the roads, streets, alleys, sidewalks, crosswalks, footways, drains and gutters of said village whenever thereto required by the said superintendent; provided, that any person so required may pay to the treasurer of said village the sum of one dollar and fifty cents per day for each day he is required to work, or he may furnish to the said superintendent an acceptable substitute, in lieu of his personal attendance, in obedience to such requirement. Any person failing to attend at the time and place required by the superintendent, or, if attending, shall fail to work as directed by said superintendent, he shall, unless he has paid the money or furnished the substitute herein provided for, be subject to a fine of two dollars for each day he shall so fail to attend or work, which may be recovered, with costs, before the mayor of the village or any justice of the township in which said village is situated, in the name of the said village. All the moneys so paid and fines so recovered shall be expended under the direction of said superintendent, upon the roads, streets, alleys, sidewalks, crosswalks, footways, drains and gutters of said village; and the council thereof shall have power to appropriate from the revenue of said village such sum or sums as they may deem necessary and proper to be expended for the same purpose, also, the purchase of tools and materials to be used thereon.

Who to work on roads and streets

Proviso.

Penalty for violation of this section.

46. The board of education of said village shall have power to build the school house herein provided for, of such size and dimensions and upon such plan as they may deem best adapted to the purposes for which it is intended. Said board shall also have power to establish and maintain in such building, a high school, in which may be taught algebra, geometry, natural philosophy, chemistry, with such other branches of mathematics or natural sciences or literature as the board may determine; also, the Latin, French and German languages; to prescribe the terms upon which students may be admitted into the said high school, and the tuition fees to be paid therefor; to make and enforce all necessary rules and regulations for the government of said high school and all other schools kept in said district, and for the exclusion of children therefrom when their attendance would be dangerous to the health or detrimental to the morals or discipline of the school; to purchase all the necessary stationery and text books for the use of indigent children; and to incur all other expenses necessary to make the schools in said district efficient, and to pay the same from the school funds of said district.

Further powers of council as board of education.

Act may be amended.

47. This act shall at all times be subject to modification or repeal, at the pleasure of the legislature.

CHAPTER 17.—An Act concerning Divorces.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia:

Re-enactment of Virginia code.

1. Section six of chapter one hundred and nine of the Code of Virginia, second edition, is amended and re-enacted so as to read as follows:

Causes for which divorce may be decreed.

“6. A divorce from the bond of matrimony may be decreed for adultery, or for natural or incurable impotency of body existing at the time of entering into the matrimonial contract; where either of the parties is sentenced to confinement in the penitentiary, (and no pardon granted to the party so sentenced shall restore such party to his or her conjugal rights); where prior to the marriage, either party, without the knowledge of the other, had been convicted of an infamous offence; where either party wilfully abandons or deserts the other for three years, a divorce may be decreed to the party abandoned; where at the time of the marriage, the wife, without the knowledge of the husband, was *enceinte* by some person other than the husband, or prior to such marriage had been, without the knowledge of the husband, notoriously a prostitute, such divorce may be decreed to the husband; or where, prior to such marriage, the husband, without the knowledge of the wife, had been notoriously a licentious person, such divorce may be decreed to the wife; but no such divorce shall be decreed if it appears that the party applying for the same has cohabited with the other after knowledge of such conviction of an infamous offence, or has cohabited with the wife after knowledge of the fact that she was *enceinte* or had been a prostitute, or has cohabited with the husband after knowledge of the fact that he had been notoriously a licentious person as aforesaid.”

Law repealed. 2. Section fourteen of said chapter, is hereby repealed.

CHAPTER 18.—An ACT to provide for the employment and pay of counsel in defending the suit of Virginia against West Virginia.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia:

Authority conferred on governor.

1. The governor is hereby authorized to select and employ counsel to defend the interests of the State of West Virginia, in a suit brought in the Supreme Court of the United States by the State of Virginia, to recover jurisdiction over the counties of Jefferson and Berkeley.

\$10,000 appropriated.

2. Ten thousand dollars are hereby appropriated and placed at the disposal of the governor for the payment of such counsel and the costs of said suit.

CHAPTER 19.—An Act amending section 8, chapter 7, of the acts of 1866.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia:

Section eight, chapter seven, of the act entitled "An act establishing the county of Mineral out of a part of the county of Hampshire," passed February first, eighteen hundred and sixty-six, is amended and re-enacted so as to read as follows: Re-enactment of Act creating Mineral county.

"8. The courts of said county of Hampshire shall retain jurisdiction over all actions, suits and proceedings therein pending at the passage of this act, and shall try and determine the same and award execution or other process thereon, except in cases in which both parties, or the plaintiff and one of the defendants, reside in the said county of Mineral; which last mentioned cases, together with the papers and a transcript of the record of the proceedings therein had, shall, if either party so desire, be removed to the courts of the said new county, and there be determined as other cases." Cases where Hampshire courts retain jurisdiction.

CHAPTER 20.—An Act allowing the authorities of Barbour county to use the jails of other counties for the confinement of prisoners.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia:

1. That all persons arrested in the county of Barbour for felony, misdemeanor or lunacy may be committed (if a commitment be proper,) to the jail of either of the counties of Taylor, Harrison, Upshur or Randolph, and it shall be the duty of the jailors of the said counties to receive into their custody and safely keep all persons so committed, if there be room for the same in their respective jails, until they are discharged by due course of law. Counties named.
Duty of jailors.

2. The operation of this act shall cease whenever the jail of Barbour county shall be put in condition to receive such prisoners. Expiration.

CHAPTER 21.—An ACT providing for the election and qualification of a Mayor and Trustees for the town of Lewisburg.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia:

1. That for the better government of said town, it shall be lawful for those persons legally entitled to vote, and whose names have been properly registered, of the male citizens over twenty-one years of age, who shall have been residents therein for six months next preceding an election, to meet at the court house, on the first Saturday in June, eighteen hundred and sixty-seven, and annually thereafter, and elect by ballot a mayor and four fit and proper persons to serve Elections: who entitled to vote.

- Mayor; his oaths.** as trustees of said town. The mayor shall take the voter's test oath, the oath of office, the oaths to support the constitution of the State and of the United States, before a justice of the peace or the recorder of the county, of which a minute shall be made upon the records of their office. But if the person elected mayor declines to serve as such, or to take the oath of office, or if he resign, the trustees shall elect from their number one to be the mayor. The mayor shall have all the jurisdiction of a justice of the peace in both civil and criminal cases, reserving the right of appeal to the parties, as they now have from the judgment of a justice, and upon the same terms. He shall also be entitled to the same fees as are allowed by law to a justice, and shall be allowed by the board of trustees a salary of fifty dollars per annum, in addition to the fees of his office. The mayor shall preside at all meetings of the board of trustees, and shall give the casting vote whenever the trustees present shall be equally divided upon any question pending before them. In the absence of the mayor, some one of the trustees shall preside *pro tempore*, and shall have a vote upon all questions. Two of the trustees, with the mayor, or three of the trustees, shall constitute a board for the transaction of business.
- His jurisdiction.**
- His salary.**
- His duties.**
- Powers of board of trustees.** 2. That the said board of trustees shall have power to lay and collect, annually, from all the tithables of said town, a capitation tax not exceeding in one year one dollar per tithe, and shall have power to lay and collect, annually, on all lands, lots and other property within the incorporated limits of the town, which, according to the laws of this State, are or shall be subject to taxation, such amounts of tax as may be deemed necessary and proper, for the use and purposes of said town, not exceeding fifty cents on every one hundred dollars value thereof; and also upon exhibitions of any public kind, clock or tin peddlers who may exhibit or trade within the corporate limits of said town, a sum not exceeding one-half of the tax paid to the State for the like or similar subjects of taxation, to be collected and accounted for by the sergeant of said town, and who is hereby authorized to levy upon and distrain and sell the property of said tax-payer or person liable therefor, if necessary, as sheriffs are authorized to levy upon and sell the property of the tax-payer in case of dues to the State.
- Same.** 3. That the said board of trustees are hereby authorized to make all necessary by-laws and rules for the government of the said board, and for the government of the town, so that the same be not inconsistent and in conflict with the laws of the State. They are authorized to establish in said town all markets, to regulate the same, to provide suitable buildings therefor; to fix the fines for any violation of the by-laws adopted by said board; to abate all nuisances at the expense of those who occasion them, if known; to grade and pave the streets, alleys and sidewalks of said town; to prevent the firing of guns, powder, matches or combustible material; to prevent the riding or driving of any animal at an improper or dangerous speed,

or faster than a pace or trot, in or through the streets of said town ; Powers of board of trustees. to manage, control and disburse the revenues, claims and fines accruing in said town ; to purchase ground for new streets and alleys, and to lay out and improve the same ; to protect the streets and sidewalks from injury ; to provide against accidents by fire ; to construct such cisterns, through-pipes and machines for holding and conveying water as they may deem proper for the safety of said town ; to prevent hogs from going at large in said town ; to prevent the improper exhibition of stallions, jacks and bulls in said town ; to prevent sluts and all other indecent animals from going at large in said town, and to appoint patrols for said town. The said mayor may give judgment for any fine or penalty imposed by the provisions of this act, first having summoned the party or parties to appear before him, by a summons served by the sergeant or as any other procedure may be served, and may issue executions for the same, in the name of the board of trustees for the town of Lewisburg, West Virginia.

4. The said board shall have power to appoint, annually, a sergeant of said town, who shall be collector of the taxes levied and the fines therein. He shall give bond and security, in such penalty as the board of trustees shall direct, payable to said board, and conditioned for the faithful discharge of all his duties as sergeant and town collector. Upon his failure to perform any of the duties of his office, the said board of trustees, or their successors in office, or individuals suffering or imperilled thereby, shall have the same remedies against him and his securities as may now be had against sheriffs and constables in similar cases. He shall take the oath of office and the oaths to support the constitution of this State and of the United States, to be administered by the mayor, recorder or trustees, a record of which shall be kept. He shall have all the powers and be subject to the liabilities of a constable, and may act in all civil and criminal cases as a constable, and to the same extent. His bond shall be approved of by the board of trustees, and when approved of, shall be recorded by them, and the original filed with the recorder of the county for safe-keeping, and may be put in suit, from time to time, as sheriffs' and constables' bonds are put in suit. He shall settle his accounts whenever required to do so by the board, and whether required to do so or not, he shall settle at the end of every four months with the treasurer of said board, and pay over to him the amounts in his hands due said board. Upon a failure to collect the taxes, levies and fines of said town, or for failure to pay over the same according to law, the board of trustees, or other persons aggrieved, shall have power and authority to proceed upon said bond, by motion before the mayor of said town or a justice, provided the amount claimed is within the jurisdiction of a justice, or the circuit court of the county. He shall receive the same fees as a constable for similar services, and such per cent, not exceeding five, as the board may allow for collecting the taxes assessed in said town.

Sergeant ; his powers, duties, bond and compensation.

Treasurer; his bond and duties.

5. The said board of trustees shall appoint one of their number as treasurer for the term, who shall execute a bond, with security, in such penalty as the board may prescribe, conditioned for the faithful discharge of the duties of his office. He shall receive all moneys from the sergeant or collector; shall settle with him whenever required by the board to do so, and whether required to do so or not, he shall settle with the said sergeant or collector, at the end of every four months of each year. He shall pay all orders allowed by the board and signed by the mayor. He shall keep an account of all his transactions as treasurer of the board, and at the end of each fiscal year, shall forward to the board a statement, with the vouchers, of all services rendered, paid out, and the balance, if any, on hand, duly sworn to before a trustee, notary public, mayor or other officer.

Who liable for taxation.

6. All persons and property, resident and situated in said town on the first day of February, shall be liable for taxation for the current year.

Elections.

7. The first election under this act shall be conducted under the direction and control of the supervisors and inspectors of elections for the Lewisburg township, who shall, within ten days after the election, count the ballots, and certify, under their bands, who is elected mayor and who are elected trustees; and thereafter the elections shall be conducted by two of the trustees, who shall be assigned that duty by the board, and who shall report the results of the elections to the board. The mayor and trustees shall be freeholders and inhabitants of the town, and shall hold their offices until their successors are duly elected and qualified. If, from any cause, the election be not made on the day appointed by law, it may be made on any day thereafter upon ten days' notice, posted on the court house door and at two public places in the town, by either the board of trustees or any five citizens legally entitled to vote; and if only one trustee appear to take the poll on the day so appointed, he may proceed to hold the election; and if none appear, it may be taken by the supervisor of the township or a justice, or by two freeholders of the town and legally entitled to vote, who shall certify the results to the board of trustees.

Journal of board.

8. The board shall keep a fair and true record of all their proceedings, and all moneys paid out shall first be allowed by the board and then paid by the treasurer upon an order drawn by the mayor.

Disposal of moneys.

9. That all fines, levies, penalties and assessments, and all other moneys raised by virtue of this act, shall be at the disposal of said board of trustees for the use and benefit of said town.

Proviso.

10. That no election or appointment to office under this act shall disqualify the persons elected or appointed, from holding any other office under the laws of this State or of the United States.

CHAPTER 22.—An ACT to incorporate the North Branch Lumber and Boom Company.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia :

1. Henry G. Davis, Thomas B. Davis, J. Philip Roman and Basil Gartlett, and such other persons as may become associated with them in the manner hereinafter provided, shall be and they are hereby constituted a body politic and corporate, of the name of "The North Branch Lumber and Boom Company," and by that name shall have succession, and shall sue and be sued, and may hold real estate and other property, make and use a common seal and pass all by-laws necessary to the management of said company, the regulation of its stock and the calls for the instalments thereon, not repugnant to the laws of this State, or the United States.

Corporators,

Powers of corporations.

2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and each share thereof shall entitle the holder to one vote in all meetings of stockholders, to be given either in person or by proxy. And for the purpose of obtaining subscriptions to the said capital stock, or so much thereof as may be necessary for the lawful purposes of said corporation, books shall be opened under the direction of the persons named in the first section of this act, or a majority of them, at such time and place as the persons who act in that behalf shall deem expedient, and a payment may be made for any portion of such subscription either in land, other property or money, and if in land or other property, then at such valuation as may be agreed upon by those receiving such subscriptions. And, in case the company shall organize before a sufficient amount is subscribed to the said capital stock for the lawful purposes of said corporation, the president and directors thereof shall have authority and power, at any time thereafter and without opening new books of subscription, to receive further subscriptions to said capital stock until the full amount authorized by this act has been subscribed.

Capital stock.

Subscription books.

3. The affairs of the corporation shall be managed by the persons named in the first section of this act, who are hereby constituted directors, until other directors shall be elected as hereinafter provided, and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining person or persons shall have power of electing other directors for the time being, in their stead. And whenever an amount of the capital stock of said company shall be subscribed, sufficient in the judgment of said directors to justify the said corporation in undertaking the work and improvements thereon, hereinafter provided for, a general meeting of the subscribers to said stock shall be held at such time and place as the directors for the time being shall appoint, after ten days public notice thereof, for the purpose of electing a president and four directors of said corporation, to serve for one year and until the next election shall be held, and all subsequent elections for president and directors shall be

Temporary directors.

Election of president and directors.

held at such time and place, and upon such notice as the by-laws may prescribe; and the president and directors shall have authority to pass all by-laws and appoint and remove all agents and employees of said corporation.

Object and powers of corporation.

4. The object of said corporation—to accomplish which it is hereby clothed and invested with all necessary powers—shall be the erection, construction and maintaining on the North Branch of the Potomac and Stony rivers, between the headwaters thereof and the city of Cumberland, such boom or booms, with piers, as may be necessary for the purpose of stopping and securing logs and timber floating on said rivers, and the dredging and cleaning out the water channel of said rivers, or building dams, with locks thereon, between the headwaters thereof, and the said city of Cumberland, in such manner as may be necessary in the judgment of said corporation to make said river a convenient channel and way whereon logs and timber may be floated and drifted, or rafts and boats, produce and the lumber of the country bordering on said river, may be brought to market, and the said corporation is hereby empowered to remove any and all drift banks, sand banks and rocks in said river, to cut down and remove the trees, bushes and undergrowth in any island in said river, or on the shores thereof, which may impede or hinder the convenient floating or drifting of logs and timber thereon, and may build, construct and maintain any embankments, levees or dams, with locks on or along said river, which may be necessary to control the channels and currents thereof; provided that the said corporation shall not remove any mill dam or bridge on said river, or in any manner interfere with the water rights of the Chesapeake and Ohio canal company.

Proviso.

Rights and privileges of corporation.

5. In consideration of the improvements provided, the said corporation shall have and enjoy, and it is hereby invested with, the right to erect saw mills and manufacture lumber, and the exclusive privilege of erecting and maintaining boom or booms, and dams with locks upon the said North Branch of the Potomac and Stony river, between the head waters thereof and the city of Cumberland, and of floating and drifting of logs and lumber thereon, or the conducting of rafts and boats thereon, and securing the same in booms; and the said corporation is hereby authorized to make contracts with the owner or owners of any timber or logs for the use of said improvement and booms, or the floating and drifting of any logs or timber upon said river, and securing the same in the booms of said corporation, and may establish such rates of charges for boomage in securing logs or timber, or for floating rafts or boats down said river, between the points aforesaid, as in its discretion may seem reasonable and proper, and may sue and recover said boomage from the owner or owners of any logs or timber, or boats or rafts secured in said booms, and shall have a lien upon all logs and timber secured in said booms until the boomage thereon is paid; and in case the owner of any logs or timber secured in said booms, shall neglect or fail to pay said boomage for the space of thirty days after the same are secured in said booms,

then said corporation or its agents are hereby authorized to sell the same at public auction, after ten days public notice, and out of the proceeds of said sale to pay all expenses and costs attending said sale, the boomage due on said logs or timber, and the balance to pay over to the owner or owners of said logs or timber upon demand for the same.

6. No person or persons shall at any time be permitted to encumber the said boom or booms by occupying the same, or any part thereof, with rafts, logs or lumber, without the permission of said corporation, and if any person or persons shall wilfully or maliciously injure any of said booms, piers, levees, embankments, or other works of said corporation connected therewith, he shall pay treble damages, to be recovered by an action of trespass brought in the name of said corporation, before a justice or any of the courts of the county in which he or they shall reside, or in the county in which the offense was committed, and said person or persons so offending may also be subject to an indictment in the circuit court for the county where the offense may be committed, and upon conviction of such offense may be punished by fine and imprisonment, in the discretion of the court.

Injury to booms prohibited.

Penalty.

7. The president and directors of said corporation, or a majority of them, may agree with the owner or owners of any land or materials for the purchase or occupation thereof, necessary for the location or erection of their piers, booms, embankments or other improvements, or the owner of any sand bank or drift bank, rocks, trees or undergrowth, which may be necessary to remove in making or maintaining such improvements, or in dredging, cleansing or controlling the water channel of said river for the purpose of said corporation; and if they cannot agree, or if any of the owners be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may be situated, application may be made to the circuit court, upon which application a warrant under seal shall be directed to the sheriff of said county, requiring him to summon a jury of nine disinterested freeholders, to meet at or near the land on the day named in said warrant, not less than ten nor more than twenty days after the issuing of said warrant; and if any of the said persons do not attend, the sheriff shall immediately summon as many persons as shall be necessary, with the jurors in attendance, to furnish a panel of nine persons in attendance, and from which each party may strike two jurors, and if four be not stricken the sheriff shall strike as many as will reduce the panel of jurors to five, and the remaining five shall act as a jury of inquest of damages, and before they act as such the said sheriff shall administer to each of them an oath or affirmation, as the case may be, that he will honestly value the damages sustained by the said owner or owners by the use and occupation of the said lands by the corporation; and the said jury shall reduce their inquisition to writing, and sign and seal the same, and it shall then be returned by the sheriff to the clerk of the circuit court of the county where the lands may be, and by such clerk filed in his court, and shall be confirmed

Purchase of land.

Condemnation of land.

by the court at its next session, if no cause be shown to the contrary, but if set aside, the said court shall direct another inquisition to be taken in the manner above prescribed; and such inquisition shall describe the property taken, by metes and bounds; and the valuation when paid or tendered by the corporation shall entitle the said corporation to the use and occupation of said land during their corporate existence; and if the valuation be not received when tendered, it may be received at any time afterwards, and all expenses incurred by said inquisition shall be paid by said corporation.

Further powers of corporation.

8. For the purpose of making repairs from time to time on the said boom, piers, levees and embankments, and for drifting, rafting and securing logs and timber, the said corporation, by its agents and employees, are authorized to use and occupy temporarily the land on each shore of said river not under cultivation, and to pass and repass to and from said booms, piers, embankments and dams and locks, constructed by the said corporation, subject to the payment to the owner or owners of the land so used or occupied of such actual damages as they may suffer from such temporary use and occupation of the same.

Construction of certain words.

9. Wherever the word "logs" or "timber" occurs in this act, it shall be taken to mean logs and lumber of every kind and description, manufactured or unmanufactured.

Amendment of act.

10. The right is reserved to the legislature to alter or amend, at its pleasure, this act. But such alteration or amendment shall not affect or impair the right of the creditors of the corporation to have the property and assets thereof applied in discharge of their respective claims, or of the stockholders to have the surplus which may remain after providing for the debts and liabilities of the corporation distributed among themselves according to their respective interests.

CHAPTER 23.—An ACT in relation to the term of office, powers and duties of the Adjutant General.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia:

Term of office.

1. The term of office of the Adjutant General of this State shall hereafter be for two years, commencing on the same day with that of the Governor.

Ex officio Q. M. General.

2. The Adjutant General shall hereafter be *ex officio* Quarter-master General, and as such he shall do and perform all the duties appertaining to that office.

Clerks.

3. The salary of the chief clerk in the office of the Adjutant General shall be one thousand dollars per annum, and he is authorized to expend in the payment of record clerks during the ensuing year, such sum not exceeding one thousand dollars, as may be necessary for that purpose.

4. The Governor shall have power to remove the Adjutant General whenever, in his opinion, the public interest will be promoted thereby, and vacancies in the said office arising from any cause whatever shall be filled for the unexpired term. Removal from office.

5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Laws repealed.

CHAPTER 24.—An ACT for the relief of the sureties of James F. Scott, late sheriff of Jackson county.

Passed February 12, 1867.

Be it enacted by the Legislature of West Virginia :

That the sureties of James F. Scott, late sheriff of Jackson county, be and they are hereby released from all liability to the State of West Virginia, including all judgments rendered against them as such sureties, for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two. Release from certain liability.

CHAPTER 25.—An ACT to provide for a division of McDowell county into townships.

Passed February 13, 1867.

Be it enacted by the Legislature of West Virginia:

1. William Payne, B. W. P. Lockhart and James M. Totten, of the county of McDowell, are hereby appointed commissioners to divide the said county into townships, in accordance with the provisions of the first section of the seventh article of the constitution, and shall, as soon as practicable, first being duly sworn, proceed to make such division. Commissioners.

2. In case of the refusal or inability to act of one or more of the commissioners hereby appointed, the remaining commissioner or commissioners shall appoint another citizen or citizens of said county to fill the vacancy or vacancies, whose duties and compensation shall be the same as if directly appointed by this act. Vacancies.

3. The commissioners shall employ a competent surveyor, who shall attend them when required, and shall run and mark such lines as they may designate. He shall make and deliver to said commissioners two fair outline maps or plats of said county, with the external boundaries and the division lines of the townships plainly delineated thereon, and each township designated by a name to be chosen by a majority of the commissioners, together with two written descriptions of the specific boundaries of each. Surveyor; his duty.

4. The commissioners shall forward a report of their proceedings under this act, including an estimate of the population of each town- Duty of commis- sioners.

ship, together with one of the said maps or plats and descriptions, to the Secretary of the State, who shall preserve the same in his office. They shall also deposit with the recorder of the county, to be by him carefully preserved, a duplicate of said maps or plats and descriptions.

Compensation of
commissioners
and surveyors;
how paid.

5. For their services under this act, the commissioners shall be entitled to receive the sum of two dollars per day each, for every day during which they are employed in the performance of the duties required by this act. The claims of the commissioners and surveyor shall be audited by the board of supervisors, and paid from the county treasury, as other claims are paid.

CHAPTER 26.—An ACT to increase the fees of Prosecuting Attorneys in certain cases.

Passed February 13, 1867.

Be it enacted by the Legislature of West Virginia :

That in all cases of the conviction of a person for any misdemeanor, and in all judgments obtained upon bonds for the violation of the license laws, an attorney's fee of ten dollars shall be taxed in the costs against the defendant in each case.

CHAPTER 27.—An ACT to alter the division lines between the counties of Mason and Jackson.

Passed February 13, 1867.

Be it enacted by the Legislature of West Virginia :

1. The division lines between the counties of Mason and Jackson are hereby altered so as to run as follows :

Division line.

Beginning at the north-east end of Robert Barnett's farm ; thence a straight line to the dividing ridge between Mud Lick and Thirteen Mile creeks, near the lands of Joseph Casto ; thence a straight line with the dividing ridge, or near it, to the Putnam county line, near what is known as Hill's Low Gap.

Commissioners.

2. A. F. Parsons and Joseph Casto are hereby appointed commissioners to fix the lines designated in the preceding section, but in case of failure or inability of one of said commissioners to act, the other shall appoint some citizen of Mason county to fill the vacancy, who shall have the same powers, and shall receive the same compensation, as though directly appointed by this act. Being first duly sworn, they shall proceed as soon as practicable to run the said lines, and for this purpose shall employ a competent surveyor, who shall run and mark such lines as they may designate, and who shall, when the commissioners cannot agree, decide between them.

Surveyor.

Duty of surveyor.

3. The surveyor shall make three fair outline maps or plats of said counties, showing their external boundaries, as altered by the pro-

visions of this act, also three written descriptions of the lines run by him under the direction of the commissioners; and shall deliver the same to the commissioners, who shall deliver one copy each of the maps or plats, and of the written descriptions, to the recorders of Mason and Jackson counties, and to the Secretary of the State, to be preserved in their respective offices.

Duty of commissioners.

4. For their services under this act, the commissioners shall be entitled to receive two dollars each per day for every day they may be employed in the performance of the duties herein prescribed, and the surveyor such compensation as the commissioners shall determine. The board of supervisors of Jackson county shall audit the claims of the said commissioners and surveyor, and the same shall be paid from the county treasury, as other claims are paid.

Compensation of commissioners and surveyor.

How paid.

CHAPTER 28.—An ACT attaching the county of Randolph to the Third Judicial Circuit.

Passed February 18, 1867.

Be it enacted by the Legislature of West Virginia:

That the county of Randolph be and the same is hereby attached to and made part of the third judicial circuit.

CHAPTER 29.—An ACT attaching the county of Clay to the Fifth Judicial Circuit.

Passed February 18, 1867.

Be it enacted by the Legislature of West Virginia:

That the county of Clay be and the same is hereby attached to and made part of the fifth judicial circuit.

CHAPTER 30.—An ACT to change and fix the times of holding the courts in the Third, Fifth and Eighth Judicial Circuits.

Passed February 18, 1867.

Be it enacted by the Legislature of West Virginia:

1. The commencement of the term of the circuit courts in the several counties of the the third judicial circuit shall hereafter be as follows:

Third circuit:

For the county of Randolph, on the twentieth day of February, tenth day of May, twentieth day of August, and tenth day of November.

Randolph.

For the counties of Barbour, Harrison and Marion, on the same days as provided in section third of chapter eighth of the acts of eighteen hundred and sixty-three.

Barbour, Harrison and Marion.

- Fifth circuit.** 2. The commencement of the terms of the circuit courts in the several counties of the fifth judicial circuit shall hereafter be as follows :
- Lewis.** For the county of Lewis, on the first day of March, May, September and November.
- Upshur.** For the county of Upshur, on the fifteenth day of March, May, September and November.
- Braxton.** For the county of Braxton, on the twenty-seventh day of March, May, September and November.
- Clay.** For the county of Clay, on the fifteenth day of April, June, October and December.
- Nicholas.** For the county of Nicholas, on the sixth day of April, June, October and December.
- Webster.** For the county of Webster, on the twenty-third day of April, June, October and December.
- Eighth circuit.** 3. The commencement of the terms of the circuit courts in the several counties of the eighth judicial circuit shall hereafter be as follows :
- Boone.** For the county of Boone, on the first Monday of March, May, September and November.
- Logan.** For the county of Logan, on the second Monday of March, May, September and November.
- Cabell.** For the county of Cabell, on the third Monday of March, May, September and November.
- Wayne.** For the county of Wayne, on the fourth Monday of March, May, September and November.
- Wyoming.** For the county of Wyoming, on the second Monday of April, the second Monday of June, the first Monday of August, and the second Monday of October.
- Raleigh.** For the county of Raleigh, on the third Monday of April, the third Monday of June, the second Monday of August, and the third Monday of October.

CHAPTER 31.—An ACT to prevent the appropriation of office property to private use.

Passed February 18, 1867.

Be it enacted by the Legislature of West Virginia:

Office property to be delivered by officer to his successor.

1. All acts of the Legislature, codes, forms, reports, instructions, books, blank books, dockets, documents, and property of any other kind, furnished to any officer by authority of law, are the property of the office, and shall be delivered by him to his successor, within ten days after the latter enters on the duties of his office.

Penalty for violation of first section.

Duty of prosecuting attorney.

2. If the predecessor of any officer fail to comply with the requirements of the foregoing section, it shall be the duty of that officer to notify the prosecuting attorney for the county, who shall in the name of the county, at the next term of the circuit court held therein, place the bond of such delinquent party in suit, and shall recover on the

bond the sum of fifty dollars, with the costs of suit, to which shall be added a fee of ten dollars for the prosecuting attorney. But the defendant shall have a right to show that his failure was occasioned by circumstances beyond his control, such as that the property of his office was taken therefrom without his knowledge or consent, and that he is not blamable, and if this be shown, the suit shall be dismissed, at the cost of the county, and in such case no fee shall be allowed the prosecuting attorney.

3. Section three of chapter forty-one of the acts of eighteen hundred and sixty-six, is hereby repealed. Law repealed.

CHAPTER 32.—An ACT making an Appropriation for the Hospital for the Insane.

Passed February 18, 1867.

Be it enacted by the Legislature of West Virginia:

That the sum of one hundred thousand dollars be, and the same is hereby appropriated for the further construction of the Hospital for the Insane at Weston, to be paid out of any money in the treasury of West Virginia not otherwise appropriated. \$100,000 appropriated.

CHAPTER 33.—An ACT in relation to Prosecuting Attorneys, their powers and duties.

Passed February 18, 1867.

Be it enacted by the Legislature of West Virginia:

1. It shall be the duty of every prosecuting attorney in this State to go before the grand jury whenever, in his opinion, the public interest will be promoted thereby, or when called upon by the foreman to do so, to aid them with his advice and assistance in the discharge of their official duties. But he shall not be present when any vote is taken upon the finding of an indictment or presentment. Prosecuting attorney to go before grand jury.

3. Every prosecuting attorney may, with the assent of the court, appoint an assistant, who shall take the same oaths and may perform the same duties as his principal. Assistant prosecuting attorney.

CHAPTER 34.—An ACT authorizing the Trustees of the Methodist Episcopal Church, in the town of Buckhannon, to convey their church lot.

Passed February 18, 1867.

Be it enacted by the Legislature of West Virginia:

That N. C. Loulin, C. W. McNulty, Jacob Rohrbough, M. L. Rohrbough, John G. Dix, Elias Heavenner and Philip F. Pinnell, the board of trustees of the Methodist Episcopal church, in the town of Buck-

hannon, in Upshur county, West Virginia, are hereby authorized to convey by deed their old church lot owned by them, to Henry F. Westfall, who has heretofore purchased said lot, and invest the proceeds thereof in other property for the benefit of the said church.

CHAPTER 35.—An ACT in relation to Juries.

Passed February 19, 1867.

Be it enacted by the Legislature of West Virginia:

Certa'n persons
not to serve as
jurors.

1. No person shall be placed on any list of jurors prepared by the board of supervisors of any county under the fourth section of chapter one hundred and sixty-two of the Code of Virginia, second edition, as amended by the act passed November fourth, eighteen hundred and sixty-three, entitled "An act in relation to juries," or serve on any jury in any of the courts of this State unless he is a registered voter in such county, and all jurors for the trial of causes in any circuit court, including cases of felony, shall be selected by drawing ballots from the box in the manner required by said act.

How jurors se-
lected.

Writ of VENIRE
FACIAS.

2. The writ of *venire facias* shall hereafter issue for thirty-six jurors, instead of twenty-eight as now required by law, unless the judge of the circuit court shall order a greater or less number. Such writ shall be issued at least thirty days before the term of the court at which a jury may be wanted, and at the same time the clerk shall issue a summons in the name of the State requiring the recorder of the county to attend at the clerk's office of the circuit court of such county on a day named in such summons, which shall not be less than twenty days before such term, for the purpose of drawing the ballots for the number of jurors mentioned in said writ. If the recorder fail to attend as required by said summons such jurors shall be drawn by the clerk, whose duty it shall be to place the list thereof in the hands of the sheriff.

Drawing jurors.

Laws repealed.

3. Section nineteen of the act passed July twenty-second, eighteen hundred and sixty-three, entitled "An act regulating proceedings in criminal cases," and all parts of acts inconsistent with the provisions of this act are hereby repealed.

Commencement.

4. This act shall take effect on the first day of May, eighteen hundred and sixty-seven.

CHAPTER 36.—An ACT to amend an act entitled "An act to amend the law concerning corporations," passed February 28, 1866.

Passed February 19, 1867.

Be it enacted by the Legislature of West Virginia:

Service on corpo-
ration formed
under general
corporation law.

1. It shall be sufficient service of any warrant, process or notice on a corporation which shall have been formed, or which may hereafter be formed under, or accepted, the provisions of the act of the legisla-

ture of West Virginia, entitled "An act for the formation of corporations and regulating the same," passed October twenty-six, eighteen hundred and sixty-three, and which, within the time prescribed by said act passed February twenty-eight, eighteen hundred and sixty-six, shall fail to comply with second section thereof, if a copy of such warrant, process or notice be delivered by a proper officer or person, to any person at or in charge of its principal office or place of business, or the said corporation may be proceeded against by order of publication.

2. Any such corporation failing to comply, or which shall fail to comply, with the provisions of the second section of said act, passed February twenty-eight, eighteen hundred and sixty-six, shall until the provisions aforesaid be complied with, be deemed a non-resident of this State; and its property real and personal shall be liable to attachment, in like manner as the property of non-resident defendants.

What corporations deemed non-resident.

Attachment of their property.

CHAPTER 37.—An ACT to change the Number of Logan Tribe of the Improved Order of Red Men, in the City of Wheeling.

Passed February 19, 1867.

Be it enacted by the Legislature of West Virginia:

That the act passed January seventeenth, eighteen hundred and sixty-three, by the General Assembly of Virginia, entitled "An act to incorporate Logan Tribe No. twenty-one, of the Improved Order of Red Men," in the City of Wheeling, be so amended as to change the number of said Logan Tribe from number twenty-one to number one.

Number changed to No. 1.

CHAPTER 38.—An ACT to amend and re-enact the act entitled "An act to authorize the Board of Public Works to audit claims against the State of Virginia," passed February 28, 1866.

Passed February 19, 1867.

Be it enacted by the Legislature of West Virginia:

That the act entitled "An act to authorize the Board of Public Works to audit claims against the State of Virginia," passed February twenty-eight, eighteen hundred and sixty-six, be amended and re-enacted as follows, to-wit:

The Board of Public Works are hereby authorized, and it is hereby made their duty, to audit claims against the State of Virginia, including any arising under the transactions of the Board of Public Works of Virginia, and including any claims against any turnpike company incorporated on the two and three-fifths principle, that were due to and held by the citizens of said State residing within the bounds of what is now the State of West Virginia, on the seventeenth day of

Authority and duty of board.

Their report.

April, eighteen hundred and sixty-one, and who are now citizens of this State, and that they do report the same to the Legislature of this State, together with the names of the persons by whom they may be held, respectively, the amounts thereof and how claimed, whether by bond or other written contract, or upon personal account, and any other matter they may think pertinent thereto.

CHAPTER 39.—An ACT to amend and re-enact Section 21 of Chapter 122 of the Acts of 1863.

Passed February 19, 1867.

Be it enacted by the Legislature of West Virginia :

That section twenty-one of chapter one hundred and twenty-two, of the acts of eighteen hundred and sixty-three, be and the same is hereby amended and re-enacted so as to read as follows :

When justice interested in suit or related to party.

“21. If a justice be a party to the suit, or be interested in the result thereof, otherwise than as a resident or tax-payer of the township or county, or be related to either of the parties as father, father-in-law, son, son-in-law, brother, brother-in-law, nephew, uncle or first cousin, guardian or ward, or be a material witness for either party, he shall not take cognizance thereof, unless all the parties to the suit consent thereto. But when the justice of the proper township is under such disability, any other justice in the same county may exercise jurisdiction in the case, if there is no other objection.”

CHAPTER 40.—An ACT for the relief of Reuben Davisson, late Sheriff of Taylor county.

Passed February 19, 1867.

Be it enacted by the Legislature of West Virginia :

Auditor's warrant for \$30.

The auditor is hereby authorized to issue his warrant upon the treasury, for the sum of thirty dollars, in favor of Reuben Davisson, being the amount erroneously returned by the assessor of Taylor county to the auditor's office as license tax, in the year eighteen hundred and sixty-three, and paid into the treasury by said Davisson.

CHAPTER 41.—An ACT to amend and re-enact the Charter of the town of Spencer, in the county of Roane.

Passed February 20, 1867.

Be it enacted by the Legislature of West Virginia :

The charter of the town of Spencer, in the county of Roane, is hereby amended and re-enacted so as to read as follows :

Corporate limits.

1. The corporate limits and boundaries of the town of Spencer shall be as follows: Beginning at the corner of Henry D. Chapman's land, on the bank of Spring creek, near Crislip's mill dam; thence a westerly course with said Chapman's line to a fill in the Ravenswood

turnpike road ; thence south-east with said road to its forks at Doty's tau-yard ; thence south-east to the highest point of ground in Henry T. Hughes' field, west of said town ; thence south-east to a corner, in the road, of lands owned by the said H. D. Chapman and M. B. Hamrick ; thence with the lines dividing said lands, and an easterly course to said Spring creek ; thence down with the meanders of said creek to the beginning.

2. The municipal authorities of said town shall be a mayor and five councilmen, who shall appoint a recorder from among their number, who together shall form a common council. Municipal authorities.

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified as hereinafter provided, shall be a body politic and corporate, by the name of "The Town of Spencer," and shall have perpetual succession, and may have a common seal ; and by that name may sue and be sued, implead and be impleaded ; may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town. Incorporation.

4. All the corporate powers of said corporation shall be exercised by the said council, or under their authority, except where otherwise provided ; and a majority of said council shall form a quorum to do business. How corporate powers exercised.

5. There shall be a town sergeant, a treasurer and an assessor, appointed by said council, to continue in office at its pleasure, and perform the duties respectively as hereinafter prescribed, or as may be required by said council ; and any member of said council may be appointed to any or all the offices enumerated in this section. Sergeant, treasurer and assessor.

6. The mayor and councilmen shall be elected by the registered voters of said town, and (except when elected to fill vacancies) for the term of one year, and until their successors shall have been elected and qualified, and who shall be residents in said town and entitled to vote for members of its common council. Mayor and councilmen.

7. The first election under this act shall be held on the fourth Thursday in March, eighteen hundred and sixty-seven, at the court house in said town, under the supervision of the present mayor and councilmen of said town, and annually thereafter there shall be an election on the same day in each year, at such place, and under such supervision, rules and regulations as the council of said town may prescribe. The mayor and councilmen conducting the first election shall grant certificates to the persons elected, which shall be entered upon the records with the ordinances of said council, and their term of office shall commence on the first day of April next after their election. Elections.

8. When a vacancy shall occur in any of the offices enumerated in this act, the vacancy shall be filled by appointment by the mayor and council. Vacancies; how filled.

- Vote by ballot.** 9. At all elections the vote shall be by ballot, and when two or more persons for the same office, at any election, shall receive an equal number of votes, the person or persons conducting such election shall decide which of the said persons shall be returned elected, and all contested elections shall be heard and determined by the council for the time being.
- Contested elections.**
- Oaths of officers.** 10. The mayor, councilmen, recorder, sergeant, treasurer and assessor shall each, before entering upon the duties of his office, take and subscribe the oath of loyalty prescribed for county and township officers, and that they will faithfully and impartially discharge the duties of their offices, respectively, so long as they continue in office.
- By whom administered.** The mayor shall take such oath or affirmation, before some justice or the recorder of his county, and thereupon shall administer the oaths aforesaid to the other officers and councilmen. And thereafter the mayor or recorder are hereby authorized to administer all oaths authorized by this act.
- When new councilmen enter on their duties.** 11. When a majority of newly elected councilmen shall have been so qualified, they shall enter upon the duties of their said offices and supersede the former councilmen.
- Council; its journal.** 12. The council shall cause to be kept in a journal an accurate record of all its proceedings, by-laws, acts and orders, which shall be fully indexed, and open to the inspection of the voters of the town.
- Its proceedings.** 13. The proceedings of the last meeting shall be read to the council, corrected when necessary, and signed by the person presiding for the time being. The mayor, though voting as a member of the council, in cases of a tie shall have the casting vote.
- Its powers.** 14. The council, so constituted, shall have power, within said town, to lay off, open, curb and pave streets, alleys, walks and gutters for the public use, and to alter, improve and embellish the same, and have them kept in good order and free from obstructions on or over them; to regulate the width of side-walks and streets, and to order the side-walks, footways and gutters to be curbed, paved and kept in good order, free and clean, by the owners or occupants of the adjacent property; to lay off public grounds and provide for the proper care of the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; and provide for the burial of the dead, and for this purpose may purchase and hold the necessary lands for a cemetery, near or convenient to said town, and provide for its improvement and security; and may provide for shade and ornamental trees, and shall provide against dangerous and contagious diseases; to provide a revenue for the town and appropriate the same, and to provide for the annual assessment of taxable per-

sons and property of the town; to adopt by-laws and rules for the transaction of business and the government of its own body; to promote the general welfare of the town, and protect the property and preserve peace and good order therein; to appoint and order out a patrol for the town when deemed necessary; to appoint such officers as they may deem necessary, including a sergeant, assessor and treasurer; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds with approved security, and in such penalty as the council may determine, conditioned for the faithful discharge of their duties, and remove them at pleasure; (all bonds to be made payable to the town by its corporate name); and said council in case of nuisances, shall have jurisdiction one mile beyond the corporate limits of said town; and may regulate and provide for weighing and measuring of hay, coal and other articles sold or for sale in said town, and generally to do such things as the council shall deem necessary for the interests, prosperity, peace and good order of the citizens of said town.

15. To carry into effect these enumerated powers, and all others conferred upon the said town or its council, expressly or impliedly, in this or any other acts of the legislature, the council shall have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the constitution and laws of this State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the mayor of the said town, or the person lawfully exercising his functions. The council, with the consent of the supervisors of Roane county, entered of record, may have the right to use the jail of said county for any purposes necessary in the administration of its affairs. Powers of council.

16. The annual levy ordered by the council may be upon all male persons within said town over twenty-one years of age, dogs, hogs, and other animals, and on all real estate within said town which is not exempt from State taxation, and all such other subjects in said town as may at the time be assessed with State taxes, provided the tax do not exceed one dollar on every one hundred dollars of value of unimproved lots, and seventy-five cents on every one hundred dollars of the value of real and personal property, or two dollars per head on each taxable person. Annual levy.

17. When anything for which a State license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may in any case require from the person or persons so licensed a bond with securities, in such penalty and with such conditions as it may determine. Town license.

18. The sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time he may receive the books of the Duties of sergeant.

assessor of the said town, may distrain and sell therefor in like manner as a sheriff may for State taxes, and shall in all respects have the same powers as a sheriff to enforce the payment and collection thereof, and shall, within the corporate limits of the said town, exercise all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled to the same compensation therefor, and he and his securities shall be liable to all the fines, penalties and forfeitures that a constable is legally held liable to for any failure or dereliction in said office, to be recovered in the same manner and before the same tribunals that the same are now recovered against constables.

Lien for taxes. 19. There shall be a lien on real estate within said corporation for the town taxes assessed thereon, from the commencement of the year for which they are assessed, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of said town, from the time they are so assessed or imposed. The lien aforesaid may be enforced by the council in the same manner as the lien for taxes for county purposes is now enforced, and shall have priority over all other liens, except the liens for taxes due the State and county.

Shows. 20. The council may prohibit any theatrical or other performance, show or exhibition it may deem injurious to the morals or good order of the town.

Powers and duties of mayor. 21. The mayor shall be the chief executive officer of the town; shall take care that the by-laws, ordinances and orders of the council are faithfully executed; shall be *ex officio* a conservator and justice of the peace in the town, and shall within the same exercise all the powers and duties vested in justices, except that he shall have no jurisdiction in civil causes; shall have control of the police of the town, and may appoint special police officers; shall see that peace and good order are preserved, and that the persons and property are protected in the town; shall have power to issue executions for all fines and costs imposed by him, or may require the immediate payment thereof, and in default of such payment may commit the party in default to the jail of the county until the fine and costs are paid, but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the town, and shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he was elected.

Disbursements. 22. All moneys belonging to said town shall be paid over to the treasurer, who shall pay out the same upon the order of the mayor, countersigned by the recorder, and not otherwise; and for any default or liability upon the part of the treasurer or sergeant, the council in the corporate name of said town may, on motion, after ten days' notice, obtain judgment before the circuit court of said county on account thereof, against them or their securities respectively, or any or either of them, or their heirs or legal representatives.

23. The said town and taxable persons and property therein, shall be exempt from all expenses or liability for the construction or repair of roads or bridges outside the corporate limits of said town. Exemption from road taxes.

24. All rights, privileges and properties of the said town, heretofore acquired or possessed, owned or enjoyed, by any act now in force, shall continue and remain vested in said town in this act, and all laws, ordinances, acts, resolutions, rights and liabilities existing and now in force, not inconsistent with this act, shall continue in full force and effect until repealed or canceled by a council elected as provided under this act. Prior rights of town.

CHAPTER 42.—An ACT to amend the charter of the town of Elizabeth, in the county of Wirt.

Passed February 20, 1867.

Be it enacted by the Legislature of West Virginia :

1. The corporate limits and boundaries of the town of Elizabeth, in Wirt county, shall be as follows: Beginning at the mouth of a small ravine near the house of Mrs. Nancy Petty, and running thence south ten degrees west, eighty poles to a post; thence eastwardly a straight line to the Little Kanawha river at the mouth of Spring run, near the house of L. D. Woodyard: thence down said river with its meanders to the beginning. Boundaries defined.

2. The municipal authorities of said town shall be a mayor and six councilmen, who shall together form a common council, one of which shall be selected by the board of councilmen to act as alderman, whose duty it shall be to act as mayor in his absence. Authorities.

3. The mayor and councilmen as soon as they have been elected and qualified as hereinafter provided, shall be a body corporate by the name of the "Town of Elizabeth," and shall have perpetual succession and a common seal; and by that name may sue and be sued, implead and be impleaded; may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town. Their style and powers.

4. All the corporate powers of said corporation shall be exercised by the said council, or under their authority, except when otherwise provided. Powers of council.

5. There shall be a town clerk, a sergeant, a treasurer and assessor appointed by the council to continue in office at its pleasure and perform the duties respectively as hereinafter prescribed or as may be required by the council. Officers.

6. The duties of the office of clerk, treasurer and assessor may be discharged by the same person, or otherwise, as the council may from time to time determine. Their duties.

Elections and
vacancies.

7. The qualified voters of said town shall, on the second Monday in April, eighteen hundred and sixty-seven, elect a mayor and six councilmen, to hold their offices as follows: the three councilmen receiving the highest number of votes shall serve for two years and the councilmen receiving the smallest number of votes, shall serve but one year, or until their successors are elected and qualified and thence annually thereafter there shall be elected three councilmen, each of whom shall hold his office for the term of two years, unless they shall become non-residents of the town. The mayor shall be elected annually. Vacancies in said board of councilmen shall be filled by said board. The first election under this act shall be held at the court house of Wirt county, (in said town) and be conducted by the supervisors and inspectors of elections in the township, and annually thereafter by three voters of said town, selected by the council.

Voters.

8. All persons who have resided in said town for thirty days next preceding the town election at which they offer to vote, or who, though not residents of the town, own a freehold therein, shall be entitled to vote at town elections, if they are qualified to vote at the general elections of State and county officers.

Appointments
to fill vacancies.

9. When a vacancy shall occur from any cause in the office of mayor, or in the council, the vacancy shall be filled by appointment by the council.

Mode of voting.

10. At all elections the vote shall be by ballot, and when two or more persons for the same office at any election shall have an equal number of votes, the person or persons conducting such election shall decide which of said persons shall be returned elected, and all contested elections shall be heard and determined by the council for the time being.

Contests.

Oaths of officers.

11. The mayor, councilmen, clerk, sergeant, treasurer and assessor shall each before entering upon the duties of his office, and within ten days after being furnished with a certificate of his election, take and subscribe the oath of loyalty prescribed for county and township officers, and to faithfully and impartially discharge the duties of their said offices respectively, to the best of their abilities. The clerk shall take such oath before some officer authorized to administer oaths, and thereupon he shall administer the oaths aforesaid to the other officers and councilmen; certificates of the said oaths shall be recorded in the journal of the proceedings of the council.

When new councilmen
enter on their duties.

12. When any four of the newly elected councilmen shall have been so qualified, they shall enter upon their said offices and supersede the former trustees of said town.

Failure to take
oaths.

13. If any one elected mayor or councilman shall not have been eligible, or shall refuse or neglect to take the oath required under this act, within the ten days aforesaid, such office shall be declared vacant, and the vacancy filled as hereinbefore provided, but in all

cases from among the citizens of the town eligible to such office under this act.

14. The council shall be presided over at all its meetings by the mayor, and in his absence, by the alderman, and in the absence of both, by one of the councilmen, selected by a majority of the councilmen present, and a majority of the council shall be necessary to constitute a quorum to do business. Council; its presiding officer.

15. The council shall cause to be kept in a journal, an accurate record of all its proceedings, by-laws, acts and orders, which shall be fully indexed and open to the inspection of the voters of the town. Its journal.

16. The proceedings of the last meeting shall be read to the council, corrected when necessary, and signed by the person presiding for the time being. Upon the call of any member the ayes and noes on any question shall be called and recorded in the journal; the mayor, in cases of a tie shall have the casting vote. Its proceedings.

17. The council, so constituted, shall have power within said town to lay off, open, curb and pave streets, alleys, walks and gutters, for the public use, and to alter, improve and light the same, and have them kept in good order and free from obstruction on or over them; to regulate the width of sidewalks and streets, and to order the sidewalks, footways and gutters to be curbed, paved and kept in good order, free and clear, by the owners or occupants of the adjacent property; to lay off public grounds, and provide, contract for and take care of public buildings proper to the town; to prevent injury or annoyance to the public or individuals from any thing dangerous, offensive or unwholesome; to abate or cause to be abated anything which in the opinion of majority of the whole council shall be a nuisance; to regulate the keeping of gunpowder or other combustibles; to provide for the burial of the dead, and for this purpose may purchase and hold the necessary land for a cemetery, near or convenient to said town, and provide for its improvement and security; to provide for the regular building of houses and other structures in or for said town, for the making of division fences, and to provide for shade and ornamental trees, and against damage or danger from fires or contagious diseases: to provide a revenue for the town and appropriate the same, and to provide for the annual assessment of taxable persons and property of the town; to adopt rules for the transaction of business and the government regulations of its own body; to promote the general welfare of the town, and protect the property and preserve peace and good order therein; to keep a town guard, appoint and order out a patrol for the town when deemed necessary; to appoint such officers as they may deem proper, including a sergeant, assessor and treasurer; to define their powers, prescribe their duties, fix their terms of service and compensation, require and take from them bonds, with such security and in such penalties as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure. Its powers.

(all bonds to be made payable to the town by its corporate name); to erect, or authorize or prohibit the erection of gas works or water works in or near the town; to prevent injuries to or pollution of the same; to regulate and provide for weighing and measuring of hay, coal and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets; and generally to do such things as the council may deem necessary for the interests, prosperity, peace and good order of the citizens of said town.

Powers of council.

18. To carry into effect these enumerated powers and all others conferred upon said town or its council, expressly or by implication, in this or any other acts of the legislature, the council shall have power to draft and enforce all needful orders, by laws and ordinances not contrary to the constitution and laws of this State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the mayor of said town, or the person lawfully exercising his functions. The council, with the consent of the supervisors of Wirt county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

Annual levy.

19. The annual levy ordered by the council may be upon male persons within said town over the age of twenty-one years, dogs, hogs and other animals, and on all real estate within said town which is not exempt from State taxation, and all such other subjects in said town as may at the time be assessed with State taxes; provided the taxes do not exceed one dollar on every hundred dollars of value of all the taxable real and personal property in said town, or two dollars per head for each taxable person.

Town licenses.

20. When anything for which a State license is required is to be done within said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may in any case require from the person or persons so licensed, a bond with sureties, in such penalty and with such conditions as it may determine; and the council may prohibit any theatrical or other performance, show or exhibition, it may deem injurious to the morals or good order of the town.

Duties of sergeant.

21. The sergeant shall collect the town taxes, fines, levies and licenses, and within thirty days from the time he may receive the books of the assessor of said town, may distrain and sell therefor in like manner as a sheriff may for State taxes, and shall in all respects have the same power as a sheriff to enforce the payment and collection thereof; and shall, within the corporate limits of the town, exercise all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled to the same compensation therefor, and he and his sureties shall be liable to all the fines, penalties and forfeitures that a constable is legally liable to, and for any failure or dereliction in said office, to

be recovered in the same manner and before the same tribunal that the same are now recovered against constables.

22. There shall be a lien for the town taxes on the real estate therein, from the commencement of the year for which they are assessed, and the council may order and require the same to be sold or rented by the sergeant at public auction for the arrears, with interest thereon, with such per centum as the council may prescribe for charges and expenses thereof, and may regulate the terms upon and the time within which the same may be redeemed. No such sale or renting shall be ordered until such realty shall be returned delinquent, and the sale shall be after twenty days' notice posted at the court house door, and at the post office in said town. Delinquent taxes.

23. The mayor shall be the chief executive officer of the town; shall take care that the by-laws, ordinances and orders of the council are faithfully executed; shall be *ex officio* a conservator and justice in the town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction in civil causes; shall have control of the police of the town, and may appoint special police officers; shall see that peace and good order are preserved, and that the persons and property are protected in the town; shall have power to issue executions for all fines and costs imposed by him, or may require the immediate payment thereof, and in default of such payment, may commit the party in default to the jail of the county until the fine and costs be paid, (but the term of imprisonment in such case shall not exceed thirty days). He shall, from time to time, recommend to the council such measures as he may deem needful for the welfare of the town, and shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he was elected. Powers and duties of mayor.

24. The clerk shall keep a journal of the proceedings of the council and have charge of and preserve the records of the said town, and shall receive a compensation for his services to be fixed by the council, which shall not be increased or diminished for the term for which he was elected. Duties of clerk.

25. All moneys belonging to said town shall be paid over to the treasurer, who shall pay out the same upon the order of the mayor, countersigned by the clerk, and not otherwise; and for any default or liability upon the part of the treasurer or sergeant, the council, in the corporate name of said town, may on motion after ten days' notice, obtain judgment before the circuit court of said county on account thereof, against them and their securities respectively, or any or either of them, or their heirs or legal representatives. Disbursements.

26. The said town and taxable persons and property therein shall be exempt from all expense or liability for the construction or repair of roads or bridges outside the corporate limits of said town, provided that the said town shall keep its streets and alleys in order. Exemption from road taxes.

Exemption of
farm land from
taxation.

27. Any land included in the boundaries of said town, of more than one acre in quantity, that is used in farming purposes, shall not be taxed for the benefit of the town when so used.

CHAPTER 43.—An ACT authorizing L. D. Pifer to raise his Mill Dam.

Passed February 20, 1867.

Be it enacted by the Legislature of West Virginia:

Two feet.

L. D. Pifer is hereby granted the privilege of raising his mill dam across the Buckhannon river, Upshur county, two feet higher than it now is, under the same restrictions as the former grant.

CHAPTER 44.—An ACT permanently locating the County Seat of Boone county, and providing for the erection of Public Buildings.

Passed February 20, 1867.

Be it enacted by the Legislature of West Virginia:

County seat.

1. The county seat of Boone county shall hereafter be at Madison, in said county, on the lands purchased by the board of supervisors for the use of the said county.

Erection of
buildings.

2. For the purpose of erecting such public buildings as the necessities and convenience of the county may require, the board of supervisors are hereby authorized to issue the bonds of said county, bearing interest at six per cent per annum, redeemable at the pleasure of the county, within five years, for a sum not exceeding five thousand dollars. The said bonds may be placed in the hands of the treasurer of the said county, to be by him sold and accounted for; but no bond shall be sold at less than its nominal par value.

Issue of bonds.

Laying off town.

3. For the like purpose, the said board of supervisors are hereby authorized to lay out in lots, streets and alleys such portion of the lands owned by the said county as they may deem expedient, and may sell and convey the same to the purchaser upon such terms as they may deem to be in the interest of the county.

Payment of
bonds.

4. The said board of supervisors shall provide for the payment of the bonds to be issued under the provisions of the second section of this act, by a levy upon the property of said county, each year, sufficient to pay the interest annually, and such further sum as will extinguish the principal within five years.

CHAPTER 45.—An ACT in relation to the Assessment and Collection of the Taxes in the county of Monroe for the years 1865 and 1866.

Passed February 20, 1867.

WHEREAS, Doubts have arisen whether the assessment of taxes Preamble. made in the county of Monroe, in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, was legal; therefore, Be it enacted by the Legislature of West Virginia:

1. The assessment of the taxes made in the county of Monroe, in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, except as hereinafter provided, is hereby legalized and made valid and binding upon all persons assessed with taxes in the said county, in either or both the years aforesaid; provided that in all cases where such assessment has been or may be changed or corrected by the board of supervisors of said county, the said assessment, as so changed or corrected, is hereby legalized, instead of the original assessment. Assessment legalized.

2. The sheriff of the county of Monroe is hereby required to proceed to collect the said taxes for each of the years aforesaid, in the manner required by law for the collection of taxes, and time is given him to make such collections until the twenty-fifth day of December, eighteen hundred and sixty-seven. Duty of sheriff.

CHAPTER 46.—An ACT repealing the act passed February 13, 1862, entitled "An Act to incorporate the Charleston and Winchester Railroad Company."

Passed February 20, 1867.

Be it enacted by the Legislature of West Virginia:

That the act of the General Assembly of Virginia, passed February thirteenth, eighteen hundred and sixty-two, entitled "An Act to incorporate the Charleston and Winchester Railroad Company," be and the same is hereby repealed. Repeal.

CHAPTER 47.—An ACT authorizing the council of the town of Wellsburg to close a certain Alley in said town.

Passed February 20, 1867.

Be it enacted by the Legislature of West Virginia:

The council of the town of Wellsburg, in Brooke county, are hereby authorized to close the alley between lots numbered one hundred and ninety-one and one hundred and ninety-two, and lots numbered two hundred and thirty-one and two hundred and thirty-two, in the plat of said town, and to convey the same to the board of education of Wellsburg township, in said county, for school purposes. Designation of alley.

CHAPTER 48.—An ACT authorizing the trustees of the Methodist Episcopal Church, in the town of Malden, to convey the same.

Passed February 20, 1867.

Be it enacted by the Legislature of West Virginia :

Trustees.

That Samuel D. Walton, Lewis A. Martin, R. Cadwallender, Joseph Stephenson and James Hill, trustees of the Methodist Episcopal Church in the town of Malden, in Kanawha county, are hereby authorized to convey by deed the church lot and edifice lately occupied by the Methodist Episcopal congregation to Charles Ferrel, who has heretofore purchased said property.

CHAPTER 49.—An ACT to amend an Act entitled "An Act to incorporate the Marion and Monongalia Navigation Company." passed October 19, 1863.

Passed February 21, 1867.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. It shall be lawful to open books under the direction of James O. Watson, John Kearsley, Jacob C. Beeson, George W. Jolliffe, John S. Barns, or any three of them, in Marion county; and under the direction of David H. Chadwick, Alfred Yeager, Samuel Sears, James Evans, William P. Willey, James Lazzell, George M. Hagans, William A. Hanway and Francis Thompson, or any three of them, in Monongalia county, for receiving subscriptions in shares of twenty dollars each, to an amount not exceeding two hundred thousand dollars, to the capital stock of the Marion and Monongalia Navigation Company, for the purpose of improving the Monongahela river by slack water, from the Pennsylvania line upwards to the town of Fairmont, in Marion county.

Shares.

Capital.

Incorporation.

2. As soon as one thousand shares have been subscribed, the subscribers, their executors, administrators, representatives and assigns, shall be and are hereby incorporated into a company by the name and style of The Marion and Monongalia Navigation Company, with all the rights, privileges and immunities and subject to the responsibilities of a body politic or corporation, and may make such by-laws, rules and regulations as they may deem necessary and advisable, not inconsistent with the constitution of the United States or of this State.

Government of company.

3. The said company shall be governed by the provisions of the fifty-sixth, fifty-seventh, and sixty-first chapters of the Code of Virginia, second edition, so far as the same are applicable and not inconsistent with this act. At all general meetings and elections each stockholder may, in person or by proxy, cast one vote for every share of stock owned by him.

Corporations authorized to subscribe.

4. The towns of Fairmont and Morgantown, and the counties of Marion and Monongalia, the Monongahela Navigation Company, and

the Baltimore and Ohio Railroad Company, in their corporate capacities, are hereby authorized to subscribe to the stock of the Marion and Monongalia Navigation Company; and the said towns of Fairmont and Morgantown, and the counties of Marion and Monongalia, or any of the townships thereof, are hereby authorized to issue their bonds to obtain money for the payment of their stock, redeemable at a period not exceeding twenty years, and at a rate of interest not exceeding six per cent per annum.

5. Said company shall have power to borrow money from time to time, not exceeding in the aggregate the amount of their capital stock, to issue their bonds or other proper securities for the same, and to pledge their works and property by mortgage or deed of trust for the payment thereof and the interest accruing thereon.

Company may borrow money and issue bonds.

6. Said company may commence and place under contract a lock and dam, whenever a sufficient amount of stock has been subscribed and secured to complete the same; and as additional stock is subscribed and secured to complete another lock and dam, the same shall be placed under contract, and thus continue from time to time till the whole work is completed.

When improvement may be commenced.

7. As soon as a lock and dam are completed and placed in working order, said company may receive tolls, to be regulated so as not to exceed per mile the rate of tolls collected by the Monongahela Navigation Company on the said river, in the State of Pennsylvania.

Tolls.

8. All acts relating to the improvement of the Monongahela river by slack water, are hereby repealed.

Laws repealed.

9. The legislature reserves the right to alter or amend this act, but such alteration or amendment shall not affect or impair the right of the creditors of the corporation to have the property and assets thereof applied in discharge of their respective claims, or of the stockholders to have the surplus which may remain after providing for the debts and liabilities of the corporation, distributed among themselves according to their respective interests.

Amendment of this act.

CHAPTER 50.—An ACT to amend section 30 of chapter 113, Acts of 1863, concerning licenses.

Passed February 21, 1867.

Be it enacted by the Legislature of West Virginia:

Section thirty of chapter one hundred and thirteen of an act concerning licenses, passed November 28th, 1863, is hereby amended and re-enacted so to read as follows:

"30. The penalties prescribed by this act, except those recoverable in the circuit court of the county in which the seat of government is located, by existing laws, shall be recoverable by action of debt, presentment or indictment, and no exception shall be allowed for any

How penalties recoverable.

defect or want of form in any presentment or indictment mentioned in this act, but the court shall give judgment thereon according to the very right of the case."

CHAPTER 51.—An ACT providing for the construction of a road in the counties of Boone and Cabell.

Passed February 21, 1867.

Be it enacted by the Legislature of West Virginia :

Commissioners.

1. David Adkins, Allen Vanalter and Evi Sias, of the county of Boone, and William C. Mahone, Henry J. Samuels and James H. Ferguson, of the county of Cabell, are hereby appointed commissioners to locate and construct a wagon road, at least twelve feet wide, with a grade not exceeding five degrees of elevation, from the village of Barboursville, in the county of Cabell, by the nearest practicable route, by or near the lands of William C. Mahoue, Elisba Adkins and Joshua Mitchell, to some point on the Kanawha and Logan road, in the county of Boone.

Route of road.

Subscriptions.

2. The said commissioners, or a majority of them, who shall at all times constitute a quorum for the transaction of business, may receive subscriptions in money or labor to any amount necessary for the construction of said road. and may cause the same to be expended thereon under their own supervision, or the supervision of such other person or persons as they may appoint for that purpose.

Engineer.

3. The said commissioners may employ a competent engineer to locate the said road, and may fix his compensation therefor, one-half of which shall be paid out of the county levy of the county of Cabell, and the other half out of that of the county of Boone; and it shall be the duty of the boards of supervisors of said counties of Cabell and Boone to levy the amount necessary to pay said engineer.

Power to take materials for road.

4. The said commissioners, or any person appointed by them for that purpose, may enter upon any lands adjacent to said road, and take therefrom any timber, stone, dirt or gravel necessary to the construction of said road, by paying a reasonable compensation therefor, if demanded by the owner; and in case of a disagreement between such owner and the commissioners, or the person appointed by them as aforesaid, as to the value thereof, the same shall be ascertained and determined according to section twenty-nine of the act passed December fourth, eighteen hundred and sixty-three, entitled "An Act providing for the construction and repair of roads and bridges."

Road may be adopted as county road.

5. The boards of supervisors of the said counties of Cabell and Boone, may adopt and establish the said road when the same is located under the provisions of this act, as a county road, and may order the surveyors of roads in the several road precincts or districts through which the same passes, to apply the money and labor subject to their control, or so much thereof as the board may deem proper, to the

construction of that portion of said road within their respective precincts or districts, at such points and in such way as the said commissioners, or the person or persons appointed by them for that purpose, may designate; and every such surveyor while so working upon said road shall have all the powers and may perform the same duties as are conferred upon and required of him by the act recited in the fourth section of this act.

6. Every person who shall subscribe for the construction of said road, payable in labor, shall state the number of days he proposes to work thereon, and in case he fails or refuses to perform such labor, he shall forfeit the sum of one dollar and fifty cents for each and every day of such failure, which may be recovered, with costs, in the name of said commissioners, before any court of justice having jurisdiction in the case. And the said commissioners may in like manner sue for and recover any and all subscriptions made for the construction of said road, payable in money.

Failure to pay subscriptions to road.

7. The said commissioners may, in their discretion, let out the said road, or any part thereof, to contract, and take from the contractors bonds, with good security, payable to themselves, for the faithful performance of their contracts. In case of the failure of any such contractor to comply with the conditions of his bond, the said commissioners may maintain an action thereon for the damages occasioned by such failure.

Road may be let out on contract.

8. The voters of any township through which any part of said road passes may, at their annual township meeting, or at a special meeting called for that purpose, if the votes in favor of the proposition are a majority of the whole vote cast, levy a tax on the property of their township subject to taxation, of not exceeding, in any one year, twenty cents on every one hundred dollars of the taxable value of such property, to be applied to the construction of said road in such township.

Levy of tax for road.

9. If, from any cause, any of the commissioners herein named shall fail or refuse to act, the remaining commissioner or commissioners shall, from time to time, appoint others in their stead, who shall have all the powers and perform all the duties of the commissioners appointed by this act.

Failure of commissioner to act.

10. When the said road is completed, it shall be under the jurisdiction of the boards of supervisors of the said counties of Cabell and Boone, and of such other counties as may be created out of the territory thereof, and shall be kept in repair as other county roads.

Jurisdiction over road.

CHAPTER 52.—An ACT repealing the act incorporating the town of Harper's Ferry, in the county of Jefferson.

Passed February 21, 1867.

Be it enacted by the Legislature of West Virginia :

The act of the General Assembly of Virginia, passed March twenty-four, eighteen hundred and fifty-one, entitled "An Act incorporating the town of Harper's Ferry, in the county of Jefferson," is hereby repealed.

CHAPTER 53.—An ACT increasing the allowance of clothing for the State convicts, and making an appropriation to defray the expenses of the prison proper.

Passed February 21, 1867.

Be it enacted by the Legislature of West Virginia:

Allowance of clothing to certain convicts.

1. The board of directors for the penitentiary at Moundsville are authorized, whenever in their opinion it may be necessary for the comfort of such of the State convicts as are required to work without shelter upon the construction of the penitentiary buildings, to increase the allowance of clothing for said convicts so exposed; the said clothing to be paid for out of the appropriation for the support of convicts. But such additional allowance shall in no case exceed double the allowance of clothing hitherto provided for by the code, nor shall this provision apply to convicts worked under shelter.

Proviso.

\$10,000 appropriated for guards and prison proper.

2. The sum of ten thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment of guards employed at the penitentiary, and the expenses of the prison proper.

CHAPTER 54.—An ACT to provide a turnpike in Pocahontas and Webster counties.

Passed February 22, 1867.

Be it enacted by the Legislature of West Virginia :

Unpaid taxes appropriated.

1. The balance of the unpaid taxes of the counties of Webster and Pocahontas, for the year eighteen hundred and sixty-five, is hereby appropriated to aid the citizens of said counties in constructing a turnpike road from some point in the Marlin's Bottom and Huttonsville Turnpike Road, in Pocahontas county, to some point in the Slavin's Cabin and Summersville Turnpike Road, in Webster county.

Superintendent of road.

8. The board of public works shall appoint a superintendent, who shall, as soon as practicable, proceed to survey the said road, and furnish the said board with the field notes of his survey, the amounts of side cuttings and round road, bridging, and all the necessary information of the cost of said road.

4. The certificate of the said superintendent, that the work, or any part thereof, is finished, shall be a sufficient authority to the sheriffs of the counties of Pocahontas and Webster to pay to the contractors the proportionable sums to which they are respectively entitled; provided, however, that the said sheriffs, as agents of the board of public works, may retain out of the amounts due to any contractor twenty per cent of the amounts, till the completion of his contract.

On what authority payments to be made.

Proviso.

4. The compensation of the superintendent shall be determined by the board of public works.

Compensation of superintendent.

5. The board of public works shall have power to regulate the price of the construction of said turnpike road, which they are authorized to let in sections of not more than five miles.

Price of construction of road.

6. The board of public works shall, if they deem it advisable, be empowered to transfer all their authority over said turnpike road to the boards of supervisors of Webster and Pocahontas counties.

Authority over road.

CHAPTER 55.—An ACT to refund the money paid by the counties of Berkeley and Jefferson to the United States as direct tax.

Passed February 22, 1867.

Be it enacted by the Legislature of West Virginia:

1. The auditor is hereby instructed to pay to a commissioner appointed by the governor, (so soon as the United States shall pay to the State the amounts due to the State of West Virginia, on settlement,) the amounts paid by the counties of Berkeley and Jefferson to the United States as direct tax.

Duty of auditor.

2. The governor is authorized, within thirty days from the passage of this act, to appoint a commissioner, whose duty it shall be to pay to every person, their heirs or assigns, the amounts paid by them to the United States revenue collector, less the percentage allowed the commissioner, which percentage shall be fixed by the governor.

Commissioner.

4. The commissioner shall execute a bond, to be approved by the auditor, for the faithful performance of his duty.

His bond.

CHAPTER 56.—An ACT to amend the law relating to the maintenance of illegitimate children.

Passed February 22, 1867.

Be it enacted by the Legislature of West Virginia:

The first section of chapter one hundred and twenty-five of the Code of Virginia, second edition, is hereby amended and re-enacted so as to read as follows:

"1. Any unmarried woman may go before a justice of any town-ship of the county in which she has resided for the last preceding

Woman to go before a justice.

Duty of justice. year, and accuse any person of being the father of a child of which she has been delivered. The said justice shall examine her under oath and reduce her examination to writing and sign it. On such examination, unless the child be two years old or upwards, the justice shall issue a warrant directed to any county where the accused may be, requiring him to be apprehended and taken before a justice of any township in which he may be found; and it shall be the duty of such justice to require the accused to enter into a recognizance, with one or more good securities, in a sum not less than one hundred, nor more than five hundred dollars, conditioned for his appearance at the next term of the circuit court of the county in which such warrant issued, to answer said charge, and to abide by and perform the order of the court in relation thereto."

Bond of accused persons.

CHAPTER 57.—An ACT relating to the School District of Wheeling.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia :

How district constituted.

1. The townships of Washington, Madison, Clay, Union, Centre and Webster, in the county of Ohio, shall constitute but one school district, to be known as "The School District of Wheeling."

Commissioners; their election.

2. At every annual election for township officers, there shall be elected in each township of the school district of Wheeling, one competent person to serve as school commissioner for a term of three years from the first Monday in July succeeding his election, and until his successor is elected and qualified; and the person so elected throughout the district, together with the commissioner already elected for three years, and whose term of office will not expire at the close of the present school year, shall constitute a board of education for the district, to be denominated "Board of Education of the School District of Wheeling." The terms of office of the members of the present board of education shall cease with the expiration of the time for which they were respectively elected.

Board of Education.

Duty of clerk of board.

3. It shall be the duty of the clerk of the board of education, before the first day of July in each year, to notify the commissioners elect throughout the district of their election, and before entering upon their duties as school officers, each of said commissioners shall be required to qualify, by taking and subscribing to the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will faithfully perform the duties of school commissioner of the school district of Wheeling, during the term for which I was elected, to the best of my ability, according to law; so help me God." Also an oath prescribed by an act passed November sixteenth, eighteen hundred and sixty-three, entitled "An Act concerning oaths and affirmations." The clerk of the board of education is authorized to administer said oath, a copy of which shall be kept by him upon the files of his office.

Oaths of commissioner.

Any vacancy which may occur in the office of school commissioner, by death, resignation, refusal to serve, or otherwise, shall be filled by the board of education of the district, at their first regular meeting thereafter, by the appointment of a suitable person, who shall hold his office until the next annual township election, when a commissioner shall be elected for the unexpired term.

Vacancy in office of school commissioner.

4. The first meeting in July shall be held on the first Monday in said month, at seven o'clock, P. M., at such place as the board may have designated; at which time the board shall be organized by the election, by the members present, if there be ten or more, of one of their number for president, and one for clerk of the board. Both the president and the clerk, being members of the board by virtue of their election as commissioners, shall be entitled to vote upon all questions submitted to the decision of the board. Before entering upon the duties of his office, the clerk shall, with at least two good securities, to be approved by the board, enter into bond, payable to the board of education of the school district of Wheeling, in such penal sum as the board may determine; which bond shall be filed with the president of the board for safe-keeping.

Organization of board.

Bond of clerk.

5. The president shall perform such duties as ordinarily devolve upon the presiding officer of a deliberative body. In his absence, a president *pro tem* may be chosen.

President of board.

6. The clerk shall record, in a book to be provided for the purpose, all the official acts and proceedings of the board, which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office, all papers containing evidence of title, contracts and obligations; and, in general, shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by order of the board of education. He shall, annually, between the first and the tenth of July, make report to the district superintendent of such facts in his possession as may be necessary to enable said superintendent to complete the report required to be made by him to the State superintendent of schools. For his services he may receive such compensation as the board may allow. In his absence, the board may appoint a clerk *pro tempore*.

Clerk; his duties and compensation.

7. The board of education shall hold stated meetings at such times and places as they may appoint, not less than ten members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or at the request of ten members of the board, by the clerk, on giving one day's notice of the time of holding the same.

Meetings of board.

8. The board of education of the district of Wheeling shall be a body corporate in law; and, as such, they may purchase, hold, sell or convey real or personal property for the purposes of education within the district; may receive any gift, grant, donation or devise;

Incorporation and powers of board.

may become party to suits and contracts, and do other corporate acts. They shall have the management of, and be invested with the title to, all real and personal property for the use of the public schools within the district, and shall manage and dispose of the same as in their opinion will best subserve the interests of the schools.

Enumeration of youth.

9. Annually, within sixteen days after the fourth day of July, the board of education shall cause to be taken an enumeration of all the youth between the ages of six and twenty-one years, resident in each township of the district, distinguishing between males and females, white and colored; and the result thereof, verified by the oath or affidavit of the persons employed to take the same, to the effect that the enumeration is correct, and that they have used all the means in their power to have it so, shall be recorded in the office of the clerk of the board. It shall be the duty of the clerk to administer said oath; he shall also communicate to the district superintendent the result of said enumeration of youth. The parties employed to take said enumeration may be required at the same time to take the census of the district.

Report of enumeration, and apportionment of school money.

10. The State superintendent of schools, in his report to the auditor, shall specify separately the results of the enumerations of youth in the school district of Wheeling and the rest of Ohio county; and the auditor, in apportioning money for school purposes, shall apportion to the district of Wheeling and the rest of Ohio county separately, according to their respective numbers of youth, as shown in the list furnished by the state superintendent, and said superintendent shall draw his requisition upon the auditor, in favor of the treasurer of the district of Wheeling, for such amount as the district is entitled to receive according to the apportionment of the auditor, and at the same time shall notify the clerk of the board of education of the amount.

Assessment for school purposes.

11. It shall be the duty of the board of education annually, in the month of July, to determine as nearly as practicable the amount of money necessary, in addition to all other available funds, to continue the schools of the district for a period of not less than nine months, and for all other purposes relating to the schools of the district, such as the repairing and improvement of school premises, the purchases of sites and the building of school houses, the payment of debts previously contracted which may fall due within the year. And said board shall cause the amount to be assessed on all the taxable property of the district; provided, that not more than four mills on the dollar valuation of said taxable property shall be assessed in any one year for the purpose of continuing the schools for said period of not less than nine months, and for ordinary repairs and incidental expenses; and not more than three mills on the dollar valuation for the purchase of sites, the building of houses and permanent improvements. The amount collected under the assessment last named shall be known as the *Building Fund*. The assessments made under the provisions of this section shall be levied and collected by the same officers as the county levies are made and collected. The amounts thus collected

Proviso.

Building fund. Collection of levy.

shall severally be certified by the collecting officer to the clerk of the board of education, and shall be paid out only upon drafts signed by the clerk and issued by order of the board ; but the board of education shall not, during any one year, incur any expenses that shall exceed the amount of available funds received for school purposes during that year. The board shall, however, have authority for a term of four years from the passage of this act to borrow, upon the credit of the building fund, such sums as may be necessary to cancel the liabilities incurred for school purposes within the district previous to the first day of January, eighteen hundred and sixty-seven. At the expiration of said four years, all power on the part of the board to borrow money shall cease.

Board may borrow money.

12. The collecting officer shall annually, in the month of July, make settlement with the finance committee of the board of education of all accounts arising from assessments made by the board within the preceding school year, and also of accounts arising from assessments made by the voters of any township within the district for school purposes within the township, as provided by the acts of the legislature not included in the provisions of this act.

Settlement by collecting officer.

13. The collecting officer, for collecting and disbursing the taxes assessed by the board of education, shall be entitled to receive a commission of not more than three per cent upon the amount collected.

Compensation of collecting officer.

14. The board of education shall have power to make all necessary rules and regulations for the government of the schools of the district; for the admission of pupils therein; for the exclusion of children whose attendance would be dangerous to the health or detrimental to the morals or discipline of the schools. They may prescribe a uniform list of text books for use in the schools of the district, and may furnish books and stationery for the use of indigent children in attendance at the schools; they may provide a suitable number of evening schools during the fall and winter months, for the instruction of such youth, over twelve years of age, as are prevented by their daily vocations from attending day schools; they may furnish all necessary apparatus, stationery, registers, text books, and books of reference for the use of teachers, and incur all other expenses necessary to make the system efficient for the purposes for which it was established, and pay the same from the school funds of the district.

Power of board.

Text books.

15. Each township of the district of Wheeling shall constitute a sub-district, and in each sub-district there shall be established by the board of education at least one grammar school, and one graded primary school. In the primary schools shall be taught orthography, reading, penmanship, arithmetic and geography, to such extent as the district superintendent of schools, with the approval of the board of education, may prescribe; in the grammar schools, English grammar and United States history shall be taught, in addition to the branches named for the primary schools. No pupil shall become a member of a grammar school who shall not first have completed the course pre-

Sub-districts.

Primary schools.

Grammar schools.

High school.

scribed for a primary school. In the grammar schools the course shall be thorough and complete in the branches named. The board shall have power to establish one high school for the district, in which shall be taught such higher branches of learning as the district superintendent, with the approval of the board of education, may designate. Until said high school shall be established, such higher branches shall be taught in the grammar schools of the district. No person shall become a pupil in said high school who shall not first give satisfactory proof to the district superintendent of due proficiency in the branches prescribed for a grammar school.

Admission to schools.

16. Admission to the various schools of the district shall be gratuitous to all white children, wards and apprentices of actual residents within the district, between the ages of six and twenty-one years; provided that the admission of pupils residents of one sub-district to the schools of another, shall rest with the board of education. Non-residents of the district may be allowed to attend the school of the district upon such terms as the district superintendent, with the approval of the board of education, may prescribe.

Schools for colored children.

17. The board of education shall establish within the district one or more separate schools for colored children, when the whole number by enumeration exceeds thirty, so as to afford them as far as practicable the advantages and privileges of a free school education. All such schools shall be under the management and control of the board, and shall be subject to like general regulations as the other schools of the district; but under no circumstances shall colored children be allowed to attend the same school or be classified with white children.

Treasurer of school fund; his compensation and bond.

18. The treasurer of Ohio county shall be the treasurer of that part of the school fund of the district derived from the State, and such other funds accruing to the district as the board may direct to be paid into his hands. He shall be entitled to receive a commission of one per cent upon any school moneys received and disbursed by him. Before receiving any school moneys said treasurer shall give bond with security approved by the board of education, in such amount as shall be named by said board, which bond shall be filed with the clerk of the board; and upon the forfeiture of said bond, it shall be the duty of said clerk to prosecute and collect from the treasurer and his securities the amount named in the bond, for the use of the schools of the district.

How money paid out.

19. No money shall be paid out by the district treasurer except on a draft signed by the clerk of the board of education, and specifying upon its face the particular account to which the same is chargeable; nor shall any credit be allowed to the treasurer, in his annual settlement with the finance committee, upon any voucher except such draft.

Settlement of treasurer.

20. The treasurer of the district shall annually, in the month of July, settle with the finance committee, and account to said committee for all moneys received, from whom and on what account, and

the amount paid out for school purposes in the district during the school year ending June thirtieth, next preceding the time of said settlement.

21. In case the treasurer shall fail to make such annual settlement within the time prescribed in the preceding section, he shall forfeit five hundred dollars, to be recovered before any court having jurisdiction, for the use of the schools of the district. And it is hereby made the duty of the clerk of the board of education to proceed forthwith, in case of such failure, by suit against such treasurer and his securities, to recover the penalty aforesaid. But if, before suit shall have been entered, the treasurer shall satisfy the president and the clerk of the board of education, that owing to sickness, or other causes which may seem to them sufficient, said settlement has been rendered impracticable, such further time may be allowed as the president and clerk may deem reasonable and just.

Failure of treasurer to settle.

Proviso.

22. When ground shall have been designated by the board of education as a suitable site for a school house and the necessary buildings, or for enlarging a school house lot, if the owner or owners refuse to sell the same or demand a price therefor which is deemed by the board unreasonable, the board of education may petition the circuit court of Ohio county to have such ground condemned for the use of the public schools, and said court shall appoint a jury of viewers, to consist of three discreet and disinterested persons, not resident within the township in which such ground is located, who being duly sworn or affirmed faithfully and impartially to try all matters submitted to them, shall assess the value of such ground; and upon due return being made of such assessment, and the amount thereof being paid or tendered to the owner or owners of the ground in question, the said board may enter thereon and use such ground for school purposes, provided that no land shall be taken in one parcel, which shall exceed in quantity one acre.

Condemnation of lands for school purposes.

23. All school houses, school house sites and other property for the use of the public schools of the district, shall be exempt from taxation, and also from sale on execution, or other process in the nature of an execution.

School property exempt from taxation &c.

24. At their first meeting in August, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent shall be an officer of the board and in addition to the duties specified in this act, he shall perform such other appropriate duties with relation to the schools of the district, as the board may prescribe. He shall be liable to removal by the board of education, for any palpable violation of law or omission of duty. But he shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing, with a copy of the charges, delivered to him, and opportunity be given him to be heard in his defence. When the office shall become vacant from any cause, before the expiration of the term for which the superintendent shall have

Superintendent.

Vacancy in his office.

His duty. been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the district superintendent to make, from the report of the clerk of the board of education, and from his own information, such report to the State superintendent of free schools, of the character and financial condition of the schools of the district, as may be necessary in order to secure to the district its quota of the State school fund, and to convey to said State superintendent all necessary information of the character and condition of the schools of the district. The district superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus or furniture of any kind whatever, in the schools of the district.

Examining committee. 25. The board of education may appoint two competent persons to act with the district superintendent as an examining committee. It shall be the duty of said committee to examine all applicants for positions as teachers in the schools of the district; but no applicant shall be entitled to examination, who shall not furnish evidence, satisfactory to the committee, of good moral character and loyalty to the government of the United States, and of the State of West Virginia. Certificates of qualification shall be granted according to the following scheme, numbering from *one* to *five* according to the merits of the applicants; thus: number *one* shall denote a *very* good teacher; number *two*, *good*; number *three*, *medium*; number *four*, *deficient*; number *five*, *very deficient*. A number *five* certificate shall be granted not more than once, and a number *four* certificate not more than twice to the same person. No certificate shall be granted for a longer period than one year; but a number *one*, *two* or *three* certificate may be renewed at the option of the examining committee. The committee shall hold meetings for the examination of teachers at such times and places as the superintendent may appoint. They may receive such compensation as the board may allow.

Teacher's certificates.

Meetings of committee.

Teachers; their appointment

26. Teachers for the grammar and primary schools shall be appointed by the commissioners of the respective townships, subject to the approval of the board of education. When a high school for the district shall have been established, the teachers for the same shall be appointed by the board; provided that no person shall be employed to teach in any public school of the district, who shall not first have obtained from the examining committee a certificate in duplicate of qualification to teach a school of the grade for which application is made; the duplicate copy of which shall be filed with the clerk of the board of education; and no salary shall be paid to any teacher until such duplicate be filed as aforesaid. The board shall, annually, in the month of July, before making the assessment for school purposes as provided in the eleventh section of this act, fix the salaries to be paid to teachers for the scholastic year to commence on the first Monday of September ensuing.

and salaries.

Removal of teachers.

27. Teachers shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed

by the board for incompetency or grossly immoral conduct upon complaint of the superintendent or any member of the board.

28. If any person or persons shall mar, deface or otherwise injure any school house, out-building, fence, furniture or other school property of the district, the person or persons so offending shall be liable to prosecution before any court having jurisdiction within the district; and upon conviction shall be subject to a fine of not less than five dollars and costs of prosecution; and if the amount of damage done shall exceed five dollars, the person or persons convicted of the offence shall be liable for the full amount thereof. If the injury be done by a minor, the parent or guardian of said minor shall be liable as aforesaid. It shall be the duty of the school commissioners of the township in which the property damaged may be located, to ascertain, if possible, by whom the offence was committed and when satisfied thereof to cause the party or parties to be arrested and tried for the offence, in the name and on behalf of the board of education; and all fines or damages collected by virtue of this section, shall be paid into the district treasury, and be appropriated for the benefit of the schools.

Injury to school property.

Penalty therefor.

Who to prosecute.

29. The clerk of the board shall annually, in the month of July, publish in the two newspapers of the city of Wheeling having the largest circulation, a detailed statement of all the receipts and expenditures of the board during the previous school year.

Financial statement of board.

30. The provisions of the general school law of the State not included in this act, shall not be regarded as applicable to the district of Wheeling; and all laws and acts heretofore existing which are in any manner inconsistent with the provisions of this act, shall be void within said district; provided that the section shall not be so construed as to prevent the citizens of any township within the district, from appropriating any township moneys not otherwise appropriated, for said purpose.

General school law not to affect district.

31. This act shall go into effect on the first day of July, A. D. eighteen hundred and sixty-seven.

Commencement.

CHAPTER 58.—An ACT for the relief of the heirs of Edward McGuire.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia:

The heirs of Edward McGuire are hereby released from the payment of one hundred and forty-one dollars and seventy-eight cents, State tax assessed on four thousand three hundred and six acres of land situated in Barbour and Taylor counties for the years eighteen hundred and sixty, eighteen hundred and sixty-one, eighteen hundred and sixty-three, and eighteen hundred and sixty-four.

\$141.78 released.

CHAPTER 59.—An ACT to incorporate the Kanawha and Shenandoah Railroad Company.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Frederick Berlin, Joseph D. Rapp, Philip F. Pinnell, George R. Latham, Thomas J. Farnsworth, Henry F. Westfall, Sylvester B. Phillips, A. B. Rohrbough and Alexander M. Poundstone, of Upshur county, West Virginia; Jesse Teter, E. J. O'Brien, of Barbour county, West Virginia; W. J. Drummond, of Beverly, Randolph county, West Virginia; Henry Brannon and P. M. Hale, of Weston Lewis county, West Virginia, and John M. Phelps and

Incorporation.

of Point Pleasant, Mason county, West Virginia, and such other persons as may become associated with them in the manner hereinafter provided, shall be, and they are hereby constituted a politic and corporate; by the name of "The Kanawha and Shenandoah Railroad Company," and by that name shall have succession, and have power to sue and be sued in any court whatever, and may have and use a common seal with the right to alter or renew the same at pleasure; and shall have all the powers, rights and franchises necessary and proper to locate, construct and maintain a railroad to be known as "The Kanawha and Shenandoah Railroad," to begin at some point on the Ohio river at or near Point Pleasant, in the county of Mason, and to run thence by the most practicable route by the way of Glenville, in the county of Gilmer; Weston, in the county of Lewis; Buckhannon, in the county of Upshur; Cheat River, in the county of Tucker; Petersburg, in the county of Grant; Moorefield and Wardensville, in the county of Hardy, to some point on the Virginia and West Virginia State line, west of Strasburg, in the county of Shenandoah and State of Virginia. And the said company shall be, and is hereby invested with all and singular the rights, powers, immunities, franchises and privileges for surveying, locating, constructing and equipping said railroad, and working, repairing, preserving and controlling the same, and the necessary vehicles and appurtenances thereto belonging, for the safe and convenient transportation of freight and passengers thereon, and with the power and authority to charge and collect tolls on passengers and freight on the same and every part thereof which the Baltimore and Ohio Railroad Company enjoys under the act incorporating said company, and the acts amendatory and supplementary thereto, and subject to any of the laws of this State, as if the same were hereby expressly enacted as part hereof.

Route of railroad.

Powers of company.

Capital stock.

Subscription books.

2. That the capital stock of said company shall not exceed the sum of ten millions of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property and shall be transferable in such manner as may be provided by the by-laws of said company, and each share thereof shall entitle the holder thereof to one vote in all meetings of the stockholders of said company, to be given either in person or by proxy; and for the purpose of obtaining subscriptions to the said capital stock, books may be opened under the direction of the persons named in the first section of this act, or any

three or more of them, at such times and such place or places as the persons who may act in that behalf shall deem expedient, and payment may be made for the whole or any part of such subscriptions either in lands or other property or money, and if in lands or other property, then at such price and valuation as may be agreed upon by those securing such subscription; and the said company may also accept and receive from any person or persons voluntary donations of any lands or other property or money given in aid of the location, construction and equipment of the said road, and may hold and enjoy the same as part of the capital stock of the said company. Any real estate may be conveyed to the said company for the purposes aforesaid, by proper deeds of conveyance, and the same may be disposed of for the lawful purposes of the company by proper deeds of conveyance executed by the president thereof, upon the order of a majority of the directors of the said company at a meeting thereof; and in case the said company shall organize and proceed to act as a corporate body before the whole amount of the said capital stock shall have been subscribed, the president and directors of the said company shall have power at any time thereafter and as often as they may deem it necessary, and without opening anew books of subscription, to receive further subscriptions to said capital stock, and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders of said company, not to exceed however the said sum of ten millions of dollars; and it may be lawful for all persons and bodies corporate and politic, whatsoever, to become subscribers for and owners of the capital stock of said company, or any part thereof.

Company may hold real estate.

3. The affairs of said company shall be managed by the persons named in the first section of this act, who are hereby constituted directors of said company, until directors shall be elected as hereinafter provided, and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining person or persons shall have power to select other persons as directors for the time being in their stead, and whenever an amount of the capital stock of said company shall be subscribed, sufficient in the judgment of the said directors to justify it in proceeding to the prosecution of its business, a general meeting of the subscribers to the stock of said company shall be held at such time and place as the directors for the time being may appoint, for the purpose of electing a president and directors of said company, to serve for one year thereafter, until the next election shall be held; and subsequent elections for president and directors of said company shall be held annually thereafter, at such times and places as the by-laws of said company may prescribe; and the said directors of said company shall have all the powers and authority given them by this act, and such other powers and authority not inconsistent with the provisions of this act, nor with the laws of this State or of the United States, as may be conferred on them by the resolutions and by-laws of said company.

Temporary directors.

Elections for president and directors.

4. The directors of said company shall consist of such number, not

Directors.

Their powers.

less than five nor more than ten, as the by-laws of said company may prescribe, all of whom shall be stockholders of said company. And the president and directors of said company shall have the power to appoint and remove all officers, servants, agents and employees of the company; to manage and conduct all its business of every kind, to borrow money at any time, and from time to time, for the use of said company, and execute, if deemed necessary and expedient, any deed or deeds of mortgage or trust on its property for the payment and fulfilment of any or all its debts, contracts or liabilities.

Meetings.

5. All meetings of the stockholders of said company may be held at such place or places and at such times as the directors from time to time appoint, and all meetings of the president and directors of said company may also be held at any place or places, and times, which the president of said company may from time to time appoint. And at all meetings of said president and directors, a majority of the said president and directors shall constitute a quorum for the transaction of business.

Power to construct branches.

6. The said company may, and shall have full power and authority to locate, construct, equip and maintain any branch railroad or railroads, not exceeding fifteen miles in length, from any point on their said road to any coal or timber lands, saw mills, iron works or other manufacturing establishments, owned, used, operated or worked by the said company for their benefit, and the purposes of their said road.

Condemnation of lands.

7. For the purpose of laying out and locating their said railroad and branches, the president and directors of said company, with their engineers and agents, shall have full power and authority to enter upon and pass through and over any lands on the contemplated route, and to occupy the same so long as may be necessary for locating said road. But the said company in locating their said railroad, branches, depots and stations, shall not throw open any fences, or enclosures on any land, or injure the property of the owner or occupier without consent, or invade the dwelling house of any person, or any space within sixty feet thereof without his consent. And when the line of the said road is located, if the owners of said lands or their agents, and the officers and agents of said company cannot agree upon the value of such lands as said company may deem necessary to use and occupy for their railroad, depots, warehouses and stations, the said company may have and hold the said lands for their use in the manner following, to wit: The said company shall make out a particular description of said lands in writing and file it in the office of the clerk of the circuit court of the county in which such lands are located, stating therein the sum they propose to pay therefor, and also file therewith a bond with sureties to the satisfaction of the judge of said court, conditioned to pay all that may be recovered against them as hereinafter provided, and thereupon they may enter upon and take possession of said lands, and proceed at once to operate and use the same for the purposes designated in the said description, but in no case

shall the amount of land for the track of said road exceed sixty feet in width, except in case of cuts and fills, when the width may be one hundred and twenty feet; and the party owning said land, or his agent, may file with the clerk of said court his or her claim therefor, in which shall be stated the sum he or she may demand for said land, and the said court shall thereupon appoint five disinterested persons for the purpose of ascertaining a just compensation therefor, any three of whom may act; and the sheriff after said appointment is made, shall summon the said owners to meet on said land at such time as he may appoint, within sixty days after such reviewers are appointed, having first given at least ten days notice to the parties interested. And the said sheriff shall administer an oath to the said viewers, which he is hereby empowered to do, that they and each of them will fairly, impartially and honestly assess, fix and determine the amount the said railroad company shall pay for the use of the said land, and return their report in writing, under their hands and seals, setting forth the amount, if any, to be paid by the said railroad company; which report shall be certified by the said sheriff to the said court, and on the first day of the next term of said court the judge thereof shall direct judgment to be entered upon said report if no exceptions be taken and filed thereto by either party; but if exceptions be taken and filed the court shall decide according to the evidence before it; and after judgment is entered upon said report, the said company shall hold said land by a good indefeasible title, subject only to the payment of the said judgment. The judge shall have power to determine and order which party shall pay the costs of such proceeding.

8. Nothing herein contained shall be construed to give to said company banking privileges. No banking privileges.

9. The legislature reserves the right to alter or amend this act, but such alteration or amendment shall not affect the right of the creditors of the corporation to have the property and assets thereof applied in discharge of their respective claims, or of the stockholders to have the surplus which may remain after providing for the debts and liabilities of the company, distributed among themselves according to their respective interests. Amendment of act.

10. The office or principal place of business of said company shall be at Buckhannon, in the county of Upshur, until some other place be adopted by the company. Principal office of company.

CHAPTER 60.—An ACT to release the counties of Boone and Wyoming from refunding a sum of money loaned to them by the State.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia :

That so much of section two of chapter forty-one of the acts of the Legislature for eighteen hundred and sixty-four, as directs the boards Repeal of act.

of supervisors of the counties of Boone and Wyoming, to levy a tax, for the refunding of money loaned by the State to said counties for repairs on the Walnut Gap road, be and the same is hereby repealed, and said counties are hereby released from refunding said money.

Release of coun-
ties.

CHAPTER 61.—An ACT establishing the county of Lincoln out of parts of the counties of Cabell, Putnam, Kanawha and Boone.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia:

Boundaries.

1. So much of the counties of Cabell, Putnam, Kanawha and Boone as are included within the following boundary lines, to wit: Beginning at the old ford of Mud river, about two hundred yards below the mouth of Trace Fork of said river; thence with the dividing ridge between Trace creek and Little Buffalo creek to the dividing ridge between Bear creek, Trace creek and Tyler creek to Guyandotte river, at the mouth of Madison's creek; thence south forty-five degrees west to the Wayne county line; thence with said line to the Logan county line; thence with said line to the Boone county line; thence with the original line of Cabell county to the head of Big creek, a branch of Mud river; thence along the top of the ridge above said creek to a point opposite the ford above the farm of Mark Adkins; thence crossing at said ford and along the top of the ridge below Parcener creek to the head of Horse creek; thence with the dividing ridge between the waters of Mud and Coal rivers and the waters of Big Hurricane creek to and with the dividing ridge between the Trace Fork of Mud river, Charley's creek and Little Two-mile creek to the place of beginning, so as to include all the waters of the Trace Fork of Mud river, shall form one distinct and new county, which shall be called and known by the name of The County of Lincoln, in honor of our late chief magistrate, who paid his life as a forfeit for his devotion to our glorious Union.

Township offi-
cers.

2. All the township officers within the bounds of the said new county at the date of the passage of this act, shall remain in office for and during the terms for which they have been elected, and until their successors shall have been elected and qualified according to law.

Sheridan town-
ship.

3. All that portion of the township of McComas within the said new county, shall constitute a township therein, to be called the township of Sheridan; and John Scites, the present supervisor of McComas township, shall be and remain the supervisor of the said township of Sheridan until his successor shall have been elected and qualified.

Carroll town-
ship.

4. All that portion of the township of Carroll within said new county, except as hereinafter provided, shall constitute a township therein, to be called the township of Carroll; and William C. Mahone,

the present supervisor of the township of Carroll, shall be and remain the supervisor of the said township until his successor shall have been elected and qualified.

5. All the residue of the said new county, together with that part of Duval township. the township of Carroll lying on the waters of the Middle Fork of Mud river above the mouth of the Sugar Tree Fork, shall compose one township, to be called the township of Duval, and William Holston is hereby appointed supervisor of the said township until his successor shall have been elected and qualified.

6. The supervisors herein named shall constitute the board of Board of supervisors. supervisors of the said county of Lincoln until their successors shall have been elected and qualified as aforesaid, and shall have all the powers and perform all the duties vested in and imposed by law upon other boards of supervisors.

7. The county seat of the said new county shall be on the lands of County seat. Charles Lattin, near the place known as the town of Hamlin, or at said town, as the board of supervisors may determine; and the board of supervisors of the said new county shall proceed as soon as practicable after the passage of this act to provide a suitable court house County buildings. and other public buildings for the said new county, in the manner required by law; and said board shall provide some suitable and convenient place for holding the courts of the said county until said court house is completed.

8. The said new county shall be attached to and form a part of the same judicial circuit and the same congressional and senatorial districts with the said county of Cabell.

9. The judge of the circuit court of the said new county shall, as County officers. soon as practicable after the passage of this act, appoint a clerk for the said court, and a prosecuting attorney; and the board of supervisors shall appoint a sheriff, recorder, surveyor of lands, assessor, county treasurer, and superintendent of free schools for the said county, who shall hold their offices until their successors shall be elected and qualified according to law.

10. The said new county and the said county of Cabell shall Delegate. together elect one delegate to the house of delegates, until a new apportionment of representation therein shall be made as provided in the constitution.

11. All process issued in the said counties of Cabell, Putnam, Return of process. Kanawha and Boone, before the organization of the said new county, and all public dues and officers' fees which may remain unpaid by the citizens of the said new county at the organization thereof, shall be executed and returned, collected and accounted for by the sheriff, or other officers in whose hands the same may have been placed, in the same manner as if this act had not been passed.

Jurisdiction of courts.

12. The courts of the said counties of Cabell, Putnam, Kanawha and Boone, shall retain jurisdiction over all actions, suits and proceedings therein pending at the time of the passage of this act, and shall try and determine the same, and award execution or other process thereon, except in cases where the plaintiff and one or more of the defendants reside in the said new county; which last mentioned cases, together with the papers and a transcript of the record of the proceedings therein had, shall after that day, if either party so desires, be transferred to the courts of the said new county and there tried and determined as other cases brought in said new county.

Townships in Cabell, Boone and Lincoln.

13. The boards of supervisors of the said counties of Cabell, Boone and Lincoln may change and alter the boundary lines of the several townships of their respective counties, or create new townships therein, or reduce the number already created so that the same be not less than three nor more than ten in any one of the said counties, without submitting their action in the matter to a vote of the people; and in the meantime all that part of the township of Barboursville lying on the waters of Guyandotte river, above and including Smith's creek, is added to and made part of the township of McComas, in the county of Cabell, and Rolin Bias, senior, is hereby appointed supervisor of said township of McComas, to hold his office until his successor shall be elected and qualified according to law; and all that part of the township of Union in said county lying between the turnpike and Mud river, together with that part of the township of Carroll remaining in the said county, shall constitute a new township therein, to be called the township of Grant, and Charles Myers is hereby appointed supervisor thereof, to hold his office until his successor is elected and qualified according to law.

Board of supervisors may borrow money,

14. The board of supervisors of the said county of Lincoln shall have power to borrow money on the credit of said county to an amount not exceeding ten thousand dollars, at a rate of interest not exceeding seven per centum per annum, to be used in the construction of the public buildings of the said county; and it shall be the duty of the board of supervisors of the said county to levy in each year such sum as may be necessary to pay the interest of the sum borrowed, and so much of the principal as may become due according to their contract; and in case of their failure to do so, they may be compelled thereto by the circuit court of said county by writ of mandamus.

and levy for payment of same.

Compensation of a certain surveyor.

15. It shall be the duty of the board of supervisors of the said county of Lincoln to levy an amount sufficient to pay to the surveyor who may be appointed to survey the road from the village of Barboursville, in the county of Cabell, to the Kanawha and Logan road, in the county of Boone, one-third of the amount allowed him for making said survey, and the said counties of Cabell and Boone shall each pay one-third of said sum, instead of one-half as provided by the act authorizing said survey.

16. Charles Lattin, William C. Mahone and Robertson Spurlock are hereby appointed commissioners to run and mark the lines of the said new county. They shall make out five plats and reports of the said boundary line, one of which shall be delivered to the recorder of each of the counties of Cabell, Putnam, Kanawha, Boone and Lincoln.

Commissioners
to run county
line.

17. Persons committed to jail in the said county of Lincoln may be confined in the jail of the county of Cabell until a jail is built in the said county of Lincoln, but the said county of Lincoln shall pay all the charges of such confinement which are not paid by the State.

Confinement of
prisoners.

18. The terms of the circuit court of the said county of Lincoln shall be held on the first Monday in April, June, October and December.

Terms of circuit
court.

CHAPTER 62.—An ACT providing for the Registration of the Qualified Voters of this State.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia:

1. The governor of this State shall, on or before the first day of March in each year, or so soon thereafter as practicable, appoint three persons for each county, residing therein, of known loyalty, firmness and uprightness, who shall continue in office until their successors are appointed and qualified, and shall constitute a board of registration, any two of whom shall be sufficient to transact the business of the board. The governor shall fill any vacancy that may occur in any board of registration, and for official misconduct, disloyalty or other good cause, may remove any person appointed under this section.

County board of
registration.

Vacancies there-
in.

2. The board of registration in each county shall, as soon as practicable after they have qualified according to law, meet at the court house of their county, and organize by selecting one of their number president and appointing a clerk, who shall continue in office during their pleasure, and attend all their sittings and regular sessions, and record the proceedings of the board in a suitable book to be provided by the board for the purpose; and whose duty it shall be to file and carefully preserve all papers and books which may come into his possession as such clerk, all of which papers and books he shall deliver to his successor in office, or to the county board, if at any time they so require. Any vacancy in the office of clerk shall be filled by the county board of registration, and said board may appoint a clerk *pro tem* during the temporary absence of their regular clerk. The records of the said board, or a copy thereof certified by the clerk of the board, shall be received as evidence in any court of this State when the acts or proceedings of the said board shall in any way be called in question.

Meetings of
board.

Clerk of board.
Vacancy in his
office.

Records of
board.

3. Every board of registration shall, at their meeting required by the second section of this act, appoint one loyal and upright person

Township regis-
trars.

for each township, and each ward of a city which votes by wards, in their county, who shall be styled the registrar, and shall hold his office at the pleasure of the board appointing him; and any vacancy in the office of registrar may be filled by the board of registration for the county in which the vacancy may occur.

Duty and sitting
of registrar.

4. Each registrar shall be furnished, by the board of his county, with a copy of the preceding register of his township or ward, and shall sit on the first Monday in April and September of each year, for the purpose of amending and correcting such register, and shall give notice of the time and place of sitting, at least five days previous thereto, by posting notices at five of the most public places in his township or ward; and the registrar may require any applicant for registration to answer, upon oath, any questions which may be asked him touching his legal right to vote; and if the registrar doubts the loyalty of any such applicant, he shall not register him until he has sworn to and subscribed the following affidavit:

Affidavit of
voter.

"I, A. B., do solemnly swear (or affirm) that, since the first day of June, eighteen hundred and sixty-one, I have not voluntarily borne arms in rebellion against the United States, nor accepted or exercised, or attempted to exercise, any office or appointment whatever, under any authority or pretended authority, in rebellion against the United States; nor counseled or advised any person to go into or aid rebellion against the United States, or in any other way whatever aided or assisted in such rebellion; and that I take this oath freely, without any mental reservation or purpose of evasion."

Right to be reg-
istered.

Which affidavit shall be certified by the registrar who requires it and returned with the register to the clerk of the board of registration in his county; and any registrar is hereby authorized to administer any oath, within his township or ward, which may be required under this section.

Copies of regis-
ter.

5. Every person applying for registration under the preceding section, who shall make it appear that he is a qualified voter, shall be registered; but if he fail to make it so appear, his application shall be rejected. The applicant shall, notwithstanding such rejection, have a right to renew his application by appeal to the board of registration of his county at their next regular session. The registrar may register the name of any qualified voter of his township or ward at any time before returning his register to the board of registration.

Register for
town elections.

6. The registrar shall, on or before the third Monday in April and September in each year, make out, in alphabetical order, and return to the clerk of the board of registration of his county, one copy of his register for each voting place in his township or ward, and one copy for the board of registration, containing the names of all persons who were upon the register of his township or ward which was used at the next preceding election, except the names of such persons as have since died, removed out of his township or ward, or in any way become disqualified to vote therein, and containing the names of all other persons residing in his township or ward who were legally qual-

ified to vote, or who will be entitled to vote at the first election occurring after the registration, by reason of arriving at twenty-one years of age, or by reason of having then resided for a sufficient length of time in the State and county, and who are otherwise qualified under the provisions of this act.

7. The registrar of any township in which there may be a corporate town or city not voting by wards, shall, if required by the board of registration, make out and deliver to such board two copies of a register of the legal voters within the corporate limits of such town or city.

8. Every registrar, before he returns his register as provided in the sixth section of this act, shall make, sign and attach to each of said registers a certificate to the following effect: "I, A. B., registrar for — township (or ward, as the case may be,) do hereby certify, on my official oath, that the foregoing is a correct register of the voters of my township, (or ward,) prepared according to law. Given under my hand this — day of —, 18—."

Certificate of registrar.

9. Every registrar shall preserve order at and in the vicinity of the place of registration, and may direct any disorderly person to be removed therefrom, and, if necessary or proper, to be taken into custody and held until sunrise of the next day, or for any shorter time; which may be done by any constable of the township, or other person or persons designated by the registrar, upon his warrant or authority in writing. Any such offender, notwithstanding his having been in custody as aforesaid, shall be liable to any penalty or punishment for his offence prescribed by law. And any person being thereto commanded by the registrar, who shall fail or refuse to assist, to the utmost of his power, in whatever may be necessary or proper to prevent intimidation, disorder or violence at the place of registration, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five nor more than fifty dollars.

Duty of registrar to preserve order.

10. Any registrar who shall knowingly reject from registration, or register any person, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than one hundred dollars, and be liable to the party injured for damages; but no registrar shall be held liable for any mere error of judgment in the discharge of his duties.

Illegal registration or rejection.

11. The governor shall cause to be prepared suitable books for the registration of the names of voters and facts required by this act, to be furnished to the county board of registration, and by them distributed to the registrars in their respective counties. The books aforesaid shall be so arranged as to admit of the alphabetical classification of the names of voters, and ruled in parallel columns, showing the name of each person registered, whether he took and subscribed the affidavit, his age, place of birth, time of residence in the

Registration books.

State and county, whether naturalized, date of naturalization papers, and the court by which issued.

Correction of registers.

12. The boards of registration shall meet at the court houses of their respective counties, on the third Monday of April and September in each year, to examine with a view of correcting the registers returned as provided in section six of this act; and if, upon such examination, they believe that any person whose name is registered is not a qualified voter, they shall give such person notice, at least five days previous to the next regular session of the board, to appear at such session with satisfactory proof that he is a qualified voter; and upon his failure so to do, his name shall be stricken from the register.

Regular sessions of boards.

13. The boards of registration shall hold regular sessions on the first Monday in May and October in each year, at the court houses of their respective counties, to hear and determine the appeal of any person whose application has been rejected by a registrar, to hear and decide cases of parties who have been notified as provided in section twelve of this act, and to receive and act upon original applications for registration, when the the applicant shows good cause for not having applied to the registrar of his township or ward.

Powers of board.

Any board of registration, at any such regular session, may examine on oath any party appealing from the decision of a registrar, appearing upon notice or upon original application; and upon such examination may ask him such questions touching his right to vote as they may deem necessary to enable or assist them to decide whether the party so examined is a qualified voter. And they may for the same purpose consider such evidence and examine on oath such witnesses as the board may deem necessary, or the party interested may produce, touching the legal right of such party to vote; and if upon hearing any party upon an appeal from the decision of a registrar or upon an original application, and their witnesses, if any, it shall appear that such party is a qualified voter, the board shall register his name, but if otherwise, the board shall reject his application. The board shall in no case register the name of any person, if they doubt his loyalty, until he has sworn to and subscribed the affidavit set forth in section four of this act. If any person upon whom notice has been duly served, as provided in section twelve of this act, shall fail to appear, or if he shall appear and fail to produce satisfactory evidence to the board of registration that he is a qualified voter, said board shall thereupon strike his name from the register.

Same.

14. If the business before the board at any meeting or regular session is such that they cannot dispose of the same in one day, they may adjourn from day to day until all the business before them is completed. Any member of the board of registration, or the clerk thereof, is hereby authorized to administer any oath necessary to the discharge of their duties.

Registration of soldiers.

15. No person who has heretofore volunteered into the military or naval service of the United States, and who shall present an honor-

ble discharge therefrom, shall, if otherwise qualified to vote, be required to take the affidavit required by this act or be questioned as to his loyalty to the government of the United States, but shall be registered as a qualified voter.

16. The board may summon and compel the attendance of witnesses, either on their own behalf or upon the application of any person whose right to vote is questioned; and for this purpose they shall possess and exercise all the powers possessed and exercised by the circuit courts of this State. Summons for witnesses and notices to parties under the twelfth section of this act shall be issued by the clerk of the board and served by the sheriff or any constable in said county, or by such other person as the board may appoint for that purpose, and the officer or person serving the same and the witnesses, attending in obedience thereto, shall have the same fees therefor as are allowed by law in cases before justices, to be paid by the party for whom such services are rendered. Any person failing to attend as a witness before the board when summoned as aforesaid, without a lawful excuse, or if attending shall refuse to testify in relation to any matter pending before the board when thereto required, shall be fined by said board not exceeding twenty dollars, and in case of refusal to testify may be imprisoned in the county jail not longer than ten days.

Attendance of witnesses.

Service of process.

Penalty for failure to attend as witness.

17. The board shall, after examining, correcting and certifying the registers, cause to be delivered to the inspectors or proper officers of the election of every township or ward in the county, a copy of the register of voters for such township or ward; and to the council of every city or town a copy of the register for such city or town, or if it be divided into and vote by wards, a copy of the register for every such ward; all of which copies shall be delivered before sunrise on the day of the next succeeding or any special election. The clerk of the board of registration shall carefully preserve one copy of each register returned by the registrars, and at the expiration of his office deliver the same to his successor.

Delivery of register to election officers.

18. It shall be the duty of the supervisors and inspectors of elections, and of all other officers whose duty it is or may hereafter be to superintend or return the result of any election, to return the register used at such election to the board of registration immediately thereafter.

Return of register after election.

19. If an officer at an election knowingly permit any person to vote whose name is not registered as required by this act, such officer shall forfeit not less than fifty nor more than two hundred dollars for every such offense.

Punishment of officer allowing person not registered to vote.

20. If any person knowingly vote at any election without having been registered as required by this act, or by false or fraudulent representations procure himself or another to be registered not entitled to be registered, he shall forfeit not less than twenty nor more than fifty dollars for every such offense.

Punishment for illegal voting.

Penalty for violation of this act by county board.

21. If a board of registration strike from any register of voters any name which ought to be retained thereon, or refuse to enter on such register the name of any person entitled to be registered thereon, or enter upon such register the name of any person not so entitled, or neglect or refuse to perform any duty required of them by the provisions of this act, every member of such board who knowingly and wilfully concurs in so doing shall forfeit not less than twenty nor more than one hundred dollars for every such offense, and shall moreover be liable for damages to the person injured. But in any prosecution or suit against the board of registration, or any member thereof, under this act, it shall be presumed that the act or decision complained of was done or made in good faith, unless it shall be shown to the contrary.

Decision of board final.

22. The board of registration of each county shall have the sole jurisdiction to try and determine the right of any person to vote therein under the constitution and laws of this State, and their decision shall be final, except in cases of contested elections before either house of the legislature.

Registration of foreign born citizens.

23. No foreign born applicant for registration shall be registered unless he produce his naturalization papers, with proof of his identity if required, or in case of the loss of such papers, upon other satisfactory proof of his naturalization, and show himself otherwise qualified.

Perjury.

24. Any person who shall knowingly swear falsely before any registrar or board of registration, shall be guilty of perjury and may be convicted thereof in any court having jurisdiction of the offence.

Punishment for alteration of registers or notices.

25. Any person who shall unlawfully change, alter or destroy any register of voters, or who shall tear down, deface, alter or destroy any notice posted up by any registrar or board of registration under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than three months, at the discretion of the jury.

Punishment for disturbing officer in his duty.

26. Any person who shall threaten, disturb or obstruct, or who shall attempt to intimidate any registrar or board of registration, or member thereof, in the discharge of their official duties, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty dollars or imprisoned not less than thirty days.

Power of board to preserve order.

27. Every board of registration shall have power to preserve order in and around the place of holding their meetings while they are in session, and may cause the arrest and imprisonment of any disorderly person or persons for such length of time as they may deem necessary, not exceeding twenty-four hours at any one time, and may use the jail of their county as the place of imprisonment. It shall be the duty of every sheriff, constable, or other person or persons designated by the board, to arrest any such disorderly person or persons when ordered to do so by the board, and to summon any necessary assistance to

enable him to execute such order. Any officer or person who shall refuse to obey such order or summons, without a lawful excuse, shall be guilty of misdemeanor, and on conviction thereof shall be fined not less than fifty dollars.

28. Every board of registration shall, at the expense of the State, procure the necessary books and stationery to enable them to discharge the duties of their office, and all such books and stationery in their possession at the expiration of their term of office, together with the records of their proceedings, shall be delivered by them to their successors in office.

Books and stationery.

29. It shall be the duty of the registrars and board of registration in each county to report to the prosecuting attorney any violations of this act which may come to their knowledge, with the names of the witnesses to prove the same; and it shall be the duty of the prosecuting attorney to cause such witnesses to be summoned and sent before the grand jury at the next term of the circuit court thereafter.

Violations of this act.

30. Each registrar and member of the board of registration and clerk of the same, shall receive for his services two dollars per day for each day he shall be necessarily engaged in the discharge of the duties of his office; but no registrar or member of the board shall receive compensation for more than twelve days in the year eighteen hundred and sixty-seven, or more than ten days in any subsequent year. The clerk of said board shall not receive compensation for more than fifteen days in the year eighteen hundred and sixty-seven, or more than twelve days in any subsequent year.

Compensation of registrars and county board.

31. The clerk of the board of registration shall be entitled to a fee of twenty-five cents for each summons issued by him for witnesses, and of five cents for each name inserted therein at the request of any person other than the board of registration or some member thereof; and he may require the payment of said fees in advance. Every person applying for such summons, whose right to vote is disputed, shall file with the clerk an affidavit stating the names of such witnesses and that they are necessary and material witnesses for him upon the question of his right to vote, and no officer shall be required to serve such summons unless his fees are paid in advance by the person applying for the same.

Fees of clerk of board.

32. All claims for services, books and stationery arising under this act except those rendered at the instance of parties other than the board of registration, shall be paid out of the treasury of the State, upon accounts verified by the claimant and approved and certified by the board of registration and also by the circuit court of the county.

How claims for services and books paid.

33. It shall be the duty of the judges of the circuit courts of the State to give this act strictly in charge to the grand juries.

Act to be given in charge to grand juries.

34. The registrars, members of boards of registration, and clerks appointed under the provisions of this act, before entering upon the

Oaths of officers of registration.

duties of their respective offices shall take the several oaths required of the officers of this State.

Repeal of law.

35. The act of the legislature of this State passed February twenty-sixth, eighteen hundred and sixty-six, entitled "An act to regulate the registration of voters," is hereby repealed. But the several boards of

Proviso.

registration appointed under said act shall continue to act until their successors are appointed and qualified, and may until such time do and perform any of the duties required by this act. The records and

Records of former boards.

proceedings of any such former board, or a copy thereof, certified by the clerk of said board, shall be received in evidence in any court in this State wherein the acts or proceedings of said board or any member thereof may in any way be called in question, and shall have the same force and effect in all respects as the record and proceedings, or the certified copies thereof, of the boards of registration appointed under this act. The registrars and boards of registration appointed

Books of former boards.

under the said act of February twenty-sixth, eighteen hundred and sixty-six, shall deliver to the boards of registration of their respective counties, appointed under this act, all books, registers and other papers which have come into their hands, appertaining to the duties of their respective offices, and any registrar or member of a board failing or refusing to do so shall be fined not less than fifty dollars, to be ascertained by a jury.

When first complete register to be made.

36. Where the registration of any township has not heretofore been made, the board of registration shall upon their organization require the registrar thereof to make a complete registration of the same under the provisions and restrictions of this act, and make return of his register as hereinbefore provided.

What register to govern.

37. At all elections the supervisors and inspectors of elections shall be governed by the last preceding registration.

Execution for fines.

38. Any fine imposed by the board of registration under section sixteen, with the name of the person fined, shall be certified to the clerk of the circuit court of their county, who shall issue execution in the name of the State therefor.

CHAPTER 63.—An ACT to amend and re-enact the twentieth section of an act entitled "An act providing for the formation of corporations and regulating the same," passed October 26th, 1863.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia:

Act amended.

That the twentieth section of an act entitled "An act providing for the formation of corporations and regulating the same," passed October twenty-sixth, eighteen hundred and sixty-three, be amended and re-enacted so as to read as follows:

"20. It shall not be lawful for any corporation formed or continued

under this act to hold more real estate than is proper for the purpose for which it was incorporated, and in no case shall any such corporation hold more than one hundred acres of land, except a company for mining iron, lead or copper ore, and manufacturing the same into metal, may hold ten thousand acres for every charcoal blast furnace, and three thousand acres for every other furnace; other manufacturing companies one thousand acres each; a company for mining coal for sale, three thousand acres; other mining companies including salt and oil companies, three thousand acres each; and a spring company fifteen hundred acres. No corporation subject to this act shall hold more five acres of land in a city or incorporated town, except in the case specified in the nineteenth section, and except agricultural societies and societies formed to promote agriculture and stock raising, which said last mentioned societies shall have power to hold not more than thirty acres of land in a city or incorporated town."

Real estate of corporations.

CHAPTER 64.—An ACT to provide for winding up the affairs of the North Western Bank of Virginia.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia:

1. All notes and claims against the North Western Bank of Virginia, shall be presented for payment during business hours at the banking house at which the same are respectively payable, on or before the first day of July, eighteen hundred and sixty-eight, and after the said date no suit, motion or proceeding at law or in equity shall be commenced for the recovery of any note, claim or liability now existing against said bank, unless it shall have been presented as aforesaid without obtaining payment thereof.

When claims to be presented.

2. The stockholders of said bank, in general meeting assembled, are hereby authorized to appoint commissioners to collect all outstanding debts and claims due to said bank, and convert into money its property and assets, and pay over and distribute the proceeds, after deducting reasonable expenses, to and among the creditors and stockholders according to their respective rights.

Commissioners.

3. The commissioners, a majority of whom may act, may fill any vacancy occurring in their body, and may compromise any claim in favor of or against the said bank; and as soon after the first day of July, eighteen hundred and sixty-eight, as in their judgment it can be properly done, they shall sell the remaining property, assets and claims of said bank, not theretofore converted into money, at public auction for cash or on reasonable terms of credit, or in part for cash and on reasonable terms of credit as to the residue, and pay over and distribute the proceeds as directed by the preceding section: Provided, nevertheless, that the claim against this State, and the State of Virginia, arising out of or relating to the Jeffersonville branch shall not be sold, but the assets of said branch sold or converted into money and paid over and distributed as aforesaid.

Power of commissioners.

Sale of assets of bank.

Eroviso.

Publication of first section.

4. The said commissioners shall also, within thirty days after their appointment, cause a copy of the first section of this act to be published in the *Wheeling Intelligencer*, *Parkersburg Times*, *West Virginia Journal* and *Berkeley Union*.

CHAPTER 65.—An ACT to amend the charter of the West Virginia Central Railway Company.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia:

Rights of company.

1. The West Virginia Central Railway Company organized under the provisions of the act passed March second, eighteen hundred and sixty-four, entitled "An act to incorporate the West Virginia Central Railway Company," shall have all the rights, interests and privileges of whatever kind, in and to the West Virginia Central Railway Company, and appurtenances thereto belonging, now the property of the State of West Virginia; upon condition that it shall commence the construction of that part of their railroad between the mouth of Sandy in the county of Wayne, and the town of Charleston in the county of Kanawha within one year after the passage of this act, and to complete and put the same in running order between the points aforesaid, within three years after the passage of this act.

When road to be built.

Effect of certificate of board of public works.

2. The certificate of the board of public works, that the said West Virginia Central Railway Company, has complied with the conditions named in the first section of this act, shall operate to confer upon the said company all the benefits of this act.

CHAPTER 66.—An ACT transferring Stocks and Interest in Banks to the School Fund.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia:

What stocks transferred.

1. The stock owned by and standing in the name of the State Internal Improvement Fund, and Board of the Literary Fund, in the National Bank of West Virginia, the Parkersburg National Bank, the First National Bank of Wellsburg, the First National Bank of Fairmont, and the National Exchange Bank at Weston; and all the interest owned by and standing in the name of the State, or either of said funds, in the North-western Bank of Virginia, and its branches; and in the branch of the Exchange Bank of Virginia at Weston, is hereby transferred to, and shall henceforth be held and treated as part of the School Fund of this State, subject to the control of the board of the School Fund; and the annual interest or profits thereof, (but no part of the principal,) shall be passed to and become a part of the fund for annual distribution among the several counties of the State.

CHAPTER 67.—An ACT to change the times of holding the Courts in the Eleventh Judicial Circuit.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia :

The commencement of the terms of the circuit courts in the several counties of the eleventh judicial circuit shall hereafter be as follows :

For the county of Hampshire, on the first Tuesday of March, May, Hampshire. September and November.

For the county of Hardy, on the third Tuesday of March, May, Hardy. September and November.

For the county of Pendleton, on the first Tuesday of April, June, Pendleton. October and December.

For the county of Grant, on the second Tuesday of April, June, Grant. October and December.

For the county of Mineral, on the third Tuesday of April, June, Mineral. October and December.

CHAPTER 68.—An ACT relating to accounts payable on the order of the Supreme Court of Appeals.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia :

Any claim which, under existing laws, is audited by the Supreme Court of Appeals when in session, may hereafter be allowed by the president of the court in vacation ; provided that no account shall be allowed until affidavit is made to the correctness thereof. How accounts to be paid.

CHAPTER 69.—An ACT concerning the State Library.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia :

1. All books, maps or charts now in the library in the capitol, or which are required by law to be placed therein, or which may be donated to or purchased by the State, together with the library now in charge of the Supreme Court of Appeals, shall constitute the State library, and shall be kept in the capitol, or in such other place as the governor may direct. How library constituted.

2. Until a place be provided in the capitol, the governor is authorized to make provision for the care and arrangement of the said State library, in some suitable and convenient place. Its care and arrangement.

CHAPTER 70.—An ACT authorizing the sale of a Church and Parsonage.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia :

That the trustees of the Methodist Episcopal Church, in the town of Beverly, in the county of Randolph, are hereby authorized to sell

and convey their church property and parsonage, either or both, or any part of the same, and appropriate the proceeds of the same for the use and benefit of said church, as may be directed by said trustees.

CHAPTER 71.—An ACT to legalize the acts of the Board of Education of Guyandotte township, Cabell county.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

Levy of tax legalized.

The acts of the board of education of Guyandotte township, Cabell county, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, are hereby legalized in levying a tax for the purpose of building school houses, and collecting the amount so levied.

CHAPTER 72.—An ACT to revive Chapter 8 of the Acts of 1865.

Passed February 26, 1867.

Preamble.

WHEREAS, on the twenty-third day of February, eighteen hundred and sixty-six, an act was passed by the legislature of this State, entitled "An Act to repeal chapter eight of the Acts of eighteen hundred and sixty-five;" and whereas, it was intended by said act to repeal chapter eight of the acts of eighteen hundred and sixty-four, and not that of eighteen hundred and sixty-five; therefore,

Be it enacted by the Legislature of West Virginia:

Act revived.

1. Chapter eight of the acts of eighteen hundred and sixty-five, entitled "An Act to legalize the acts of John B. Baumgardner, collector of the revenue of Cabell county, and his deputies, in the collection of said revenue, and to authorize the same to be pleaded in bar of certain suits therein named," having been repealed by mistake, as mentioned in the preamble of this act, the same is hereby revived, and shall have the same force and effect in all respects as if the said repealing act had not been passed.

Act repealed.

2. The act passed February twenty-third, eighteen hundred and sixty-six, entitled "An Act to repeal chapter eight of the Acts of eighteen hundred and sixty-five," is hereby repealed.

CHAPTER 73.—An ACT to amend the Act concerning licenses.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

Section six of chapter one hundred and thirteen of the Acts of eighteen hundred and sixty-three, is hereby amended and re-enacted, so as to read as follows.

"6. Upon credible complaint in writing made to any justice of the county, or upon his own knowledge, of any breach of the condition of the bond mentioned in the fifth section of this act, the justice shall issue a summons in debt, in the name of the State, against the offending party, and shall proceed with a summary trial; and if it be proven that there has been a breach of the condition of said bond, the justice shall give judgment against the offender for ten dollars and costs for each offence, until the penalty of the bond is exhausted. All sums so recovered shall be paid into the county treasury. If the complaint be made under oath, any justice failing or refusing to comply with the requirements of this section shall, for each failure or refusal, forfeit the sum of fifty dollars with costs; and the prosecuting attorney for the county shall place the bond of such justice in suit, and recover in the name of the county said forfeiture and costs, and where recovery is had shall receive a fee of ten dollars, to be taxed in the costs."

Justice to have cognizance of breach of liquor seller's bond.

Amount to be recovered.

Penalty for failure of justice to act.

CHAPTER 74.—An ACT for the relief of certain soldiers of Brooke county.

Passed February 26, 1867.

WHEREAS, it has been represented to the legislature of West Virginia, that the citizens of Brooke county assembled at the court house of said county on the thirtieth day of July, eighteen hundred and sixty-four, for the purpose of instructing, and did instruct, the supervisors of said county to levy a sum sufficient to pay a bounty of three hundred dollars to every volunteer soldier who would accredit himself to said county until the quota of said county, under the call then made by the president for five hundred thousand additional troops, should be filled; and at the same time and place the said citizens pledged themselves, as soon as they were able, to make the bounty of all soldiers who had enlisted in the service of the United States, and had accredited themselves or had been accredited to said county, equal to the amount paid by said county to the volunteers first aforesaid; therefore,

Preamble.

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful for the board of supervisors of the county of Brooke to levy, at any regular meeting, on the taxable property of said county, a sum not exceeding twenty thousand dollars, to be apportioned by them equally among and paid by their order on the county treasurer to all persons who enlisted in the service of the United States in the late war, prior to the thirtieth day of July, eighteen hundred and sixty-four, and were accredited to said county, and who were honorably discharged from said service; to be apportioned and paid in such manner as that such soldier or person shall not receive, including any former bounty paid by said county, more than three hundred dollars in all. And in case such soldier be dead, it shall be lawful to pay to his widow if unmarried, and if married, to the child or children of such soldier, the amount that would belong to the soldier if living.

Supervisors of Brooke may levy \$20,000 to pay bounties.

To whom bounties paid.

Notice for presentation of claims.

Limitation of claims.

Appeal from decision of board.

2. The board of supervisors shall decide who is entitled to the benefits of the preceding section, and before they are authorized to make the levy mentioned in the preceding section shall give at least six months' notice in some newspaper published in their county, for all persons claiming under the first section of this act to present their claims to said board of supervisors within such time or times as may be prescribed in said notice; and if any person fail to present to said board his claim at the time or times designated in said notice, he shall thereafter forfeit his right under this act, unless it be minor children, whose right to file their claim shall not be barred until two years after the passage of this act; and if any person, having presented his claim to said board within the time or times prescribed as aforesaid, and if from any cause the said claim is disallowed in whole or in part by said board, the said person may apply by petition to the circuit court of the said county to have the decision or action of said board reversed and corrected, but before he shall be heard on his said petition it shall appear to the said court that ten days' previous notice of the filing of his said petition was given to the clerk of the said board. Such cause shall be heard as other petitions by the court, and its decision shall be final, and may by proper process compel said board to comply with said decision, and costs shall be awarded to either party at the discretion of the court.

Board may issue bonds,

and levy for their payment.

8. If, in the judgment of the supervisors aforesaid, the said county is not able to pay the amount mentioned in the first section of this act within one year from the passage of this act, it shall be lawful for said board to issue the bonds, bearing interest, of the said county for the amount aforesaid, payable at such time or times as they shall think fit; and said board may negotiate said bonds on such terms as to them shall seem proper, and shall make such levies on said taxable property of said county as may be necessary to pay said bonds at maturity, which said levies shall be collected and accounted for as other county levies; provided, however, that if the Congress of the United States pass a law equalizing the bounty or pay of soldiers, that such sum shall be deducted from the county bounty provided for in this act.

Commencement.

4. This act shall take effect from the first day of August, eighteen hundred and sixty-seven.

CHAPTER 75.—An ACT for the relief of the securities of James Odbert, late Sheriff of Monongalia county.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

Stay of proceedings.

Compromise.

The auditor is hereby authorized to stay proceedings against the securities of James Odbert, late sheriff of Monongalia county, for all liabilities to this State, incurred by them as securities aforesaid, prior to the organization of this State; and he is further authorized to com-

promise with any of the said securities to discharge them from all further liabilities, upon the payment by each security of his *pro rata* portion of said liability.

CHAPTER 76.—An ACT to fix the time of holding the courts in the counties of the Second Judicial Circuit.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

The commencement of the terms of the circuit court in the several counties of the second circuit after the first day of April next, instead being as heretofore prescribed by law, shall be as follows:

For the county of Monongalia on the first Monday of May, first Monday of September, third Monday of September and the first Monday of February. Monongalia.

For the county of Taylor on the third Monday of May, fourth Monday of September, first Monday of October and the third Monday of February. Taylor.

For the county of Tucker, on the first Monday of June, second Monday of October. third Monday of October and first Monday of March. Tucker.

For the county of Preston, on the second Monday of June, fourth Monday of October, first Monday of November and second Monday of March. Preston.

CHAPTER 77.—An ACT to release the State Militia from duty in time of peace.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

So much of the militia laws now in force in this State as requires service in time of peace except upon the order of the Governor is hereby repealed. Part of militia laws repealed.

CHAPTER 78.—An ACT relating to the assessment of property in the City of Wheeling, for municipal taxation.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

For the purpose of ascertaining the value of the real and personal property taxable in the city of Wheeling for municipal purposes, the council of said city is hereby authorized to appoint, from time to time, when they deem proper, an assessor or two or more assessors for the said city, or an assessor for every ward thereof, as to the said council shall seem fit, and to make such regulations respecting the assessment as shall not be inconsistent with the law of the State. Appointment of assessors.

CHAPTER 79.—An ACT for the relief of Albert Platte and Philo N. Platte, of Fayette county.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

§31,85 released.

Albert Platte and Philo N. Platte of Fayette county are hereby released from the payment of eighty-one dollars and eighty-five cents, as taxes assessed against them for State purposes, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six; and if any of said taxes have been paid by them, the same shall be refunded by the sheriff of the county.

CHAPTER 80.—An ACT to provide Free Schools for the town of Moundsville.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia :

Moundsville to form school district.

Board of education.

1. The town of Moundsville and all parts of school districts connected therewith, shall constitute but one school district; and the board of education thereof shall consist of three commissioners, who shall be resident freeholders of the district, elected by the qualified voters thereof in conformity with the provisions of the second section of "An act for the establishment of a system of free schools," passed February twenty-sixth, eighteen hundred and sixty-six. The official term of all commissioners elected under this act shall commence on the first day of July next succeeding the time of their election.

Rights, powers and duties of board.

2. The board of education for the school district of Moundsville shall be invested with the same rights, and shall exercise the same powers and perform the same duties as appertain to the boards of education of the several townships by the "act providing for the establishment of free schools," passed February twenty-sixth, eighteen hundred and sixty-six, except as far as shall be otherwise provided in this act. The said board shall at their first meeting elect one of their number clerk, who shall perform all the duties which devolve by the last mentioned act upon clerks of townships as secretaries of boards of education, but shall not in consequence of being clerk be deprived of his right to vote upon any question pending before the board. Wherever the word "township" occurs in the act above mentioned, it shall be construed to mean school district, whenever necessary to give effect to the provisions of this act. The treasurer of Marshall county shall be the treasurer of all the funds for school purposes belonging to the school district of Moundsville. Said board of education may hold stated meetings at such times as they may appoint, and special meetings thereof may be called by the president, or at the request of any member, by the clerk, on giving one day's notice of the time and place of the same.

Clerk of board.

Treasurer:

Meetings of board.

Graded school:

3. The board of education of the school district of Moundsville, shall have power to establish in said district a graded school, in which

the rudiments of education shall be taught, together with algebra, geometry, natural philosophy and chemistry, with such other branches of mathematics, or natural sciences, or literature as the board may determine, including such as may be necessary for the admission of pupils to the colleges of this or neighboring States.

4. Admission to the various departments in this school shall be gratuitous to all white children, wards and apprentices of actual residents in said district, between the ages of six and twenty-one years, and the board of education shall have power to admit to said school other pupils not under the age of six years upon such terms or upon the payment of such tuition as they may prescribe, provided that no pupil shall be admitted to the higher department who fails to sustain a thorough examination in the various studies of the primary department; and provided further, that the said board shall have power to make and enforce rules for the exclusion of children when their attendance would be dangerous to the health or detrimental to the morals or discipline of the school.

Admission to school.

5. Said board shall have power to make all necessary rules and regulations for the government of said school; for the admission of pupils therein, and for the examination that pupils in any of the lower departments must pass preparatory to admission into the next higher department; to purchase all necessary stationery, text books and books of reference for the use of teachers, and to incur all other expenses necessary to make the system efficient for the purposes for which it is established, and to pay the same from the school funds of said district.

Rules for government of school.

6. The State superintendent in his report to the auditor shall specify separately the result of the enumeration of youth in the school district of Moundsville and in the remainder of the county. And the auditor in apportioning money for school purposes, shall apportion to the school district of Moundsville and the rest of the county separately, according to their respective numbers of youth as shown in the list furnished him by the State superintendent.

Enumeration of youth and

apportionment of school money.

7. It shall be the duty of the board of education to determine at their annual meeting in the month of July, as near as practicable the amount of money necessary, in addition to all other available funds, to continue the school of the district for a term not less than nine school months, and they shall cause such amount to be assessed on all the taxable property of the district, not exceeding forty cents upon the one hundred dollars valuation thereof, and the same shall be levied and collected by the same officers and in the same manner as county levies are made and collected, and shall be paid over to the treasurer of Marshall county under the conditions prescribed in the general school law as modified in this act. The collecting officer, for collecting and paying over the taxes to be assessed by said board of education, shall be entitled to receive a commission of three per cent upon the amount collected, and no more.

Levy for school purposes.

Collecting officer.

His commission.

Property vested
in board.

8. All parcels of land within the school district of Moundsville, which have been heretofore conveyed to the school commissioners of Washington and Clay townships, as sites for public schools, and all real and personal property held by either of said boards of school commissioners for school purposes, within said district, shall be deemed to be vested in the board of education of the school district of Moundsville.

When general
law may be ap-
plicable.

9. The provisions of the general school law in regard to the election of trustees shall not be held applicable to the school district of Moundsville, unless the same be divided into sub-districts. And when such division shall have been made, three trustees shall be elected for each sub-district, as provided for in the general school law.

Election of com-
missioners.

10. The qualified electors of the school district of Moundsville shall, within ten days after the passage of this act, elect three commissioners, as herein provided for, for the unexpired term ending on the thirtieth day of June, eighteen hundred and sixty-seven; said election shall be held at the court house, under the supervision of the sergeant of the town of Moundsville.

How far general
law now applica-
ble.

11. The provisions of the act of February twenty-sixth, eighteen hundred and sixty-six, establishing a system of free schools, shall only apply to the school district of Moundsville so far as the same may be in conformity to the provisions of this act.

CHAPTER 81.—An ACT authorizing Henderson H. Beall to build a mill-dam across Elk River.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

Restrictions on
dam.

1. Henderson H. Beall is hereby permitted to construct a saw and grist mill dam, five feet high, across Elk River, four miles below the town of Sutton, in Braxton County, and to be restricted as follows: The slope in said dam to be not less than thirty feet wide, fifty feet long and ten inches lower than the other part of said dam.

Responsibility
for damages.

2. The said Henderson H. Beall, as well as his successors, shall be held responsible for any damages resulting from a failure to build said dam as directed in the first section of this act.

CHAPTER 82.—An ACT for the relief of C. B. Hedges.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

Auditor's war-
rant for \$16.94.

The Auditor is hereby directed to issue his warrant for sixteen dollars and ninety-four cents, in favor of C. B. Hedges, being the amount of tax paid by him on an improper assessment in Ohio County, of a tract of land lying in Brooke County, and assessed therein.

CHAPTER 83.—An ACT allowing the authorities of Gilmer and Calhoun Counties to use the Jails of other Counties for the confinement of prisoners.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

1. That all persons arrested in the counties of Gilmer and Calhoun for felony, misdemeanor or lunacy, may be committed (if a commitment be proper) to the jail of either of the counties of Lewis or Wirt; and it shall be the duty of the jailors of the said counties to receive into their custody and safe keeping all persons so committed, if there be room for the same in their respective jails, until they are discharged by due course of law.

Commitment of prisoners.

Duty of jailors.

2. The operation of this act shall cease whenever the jails of Gilmer and Calhoun Counties shall be put in condition to receive such prisoners.

When operation of act to cease.

CHAPTER 84.—An ACT to incorporate the Marshall and Ohio Turnpike Company.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding fifteen thousand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock for constructing a turnpike road from the Pennsylvania State line, near a point where the division line of Ohio and Marshall Counties intersects the said line; thence through the town of Dallas, by the most direct and practical route, to a point on the National Pike between the town of Triadelphia and Shepherd's Monument, as the corporation hereinafter named may determine. The said books shall be opened under the directions of Samuel Elliott, Sr., J. S. Bedilion, A. J. Halstead, Alfred Kimmins, John Ritchie, Hiram Elliot, A. Bedilion, Samuel Powers, Abner Kimmins, and James Jamison, or any one or more of them, at the store of A. D. Bedilion & Co., and at such other places, and under such agents, as the majority of the above board may direct.

Subscriptions to capital stock.

Route of road.

Commissioners.

2. When the sum of fifteen hundred dollars shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be incorporated into a company by the name and style of "The Marshall and Ohio Turnpike Company," subject to the provisions of the code of Virginia, except that the grade of said road is not to exceed six degrees, and width thereof to be not less than fifteen nor more than thirty feet. The said company also reserves to themselves the right of constructing the said road of such material as may seem to them the most proper and expedient.

Incorporation.

Grade and material of road.

3. The said company also reserves the right of putting on toll-gates near either end of said road, and one at such intermediate point as

Toll-gates.

the board may determine, so soon as the said road or parts thereof may be finished ; but the toll collected thereon shall in no case exceed that specified by law.

Subscription by
Marshall and
Ohio Counties.

4. The boards of supervisors of Marshall and Ohio Counties, in behalf of their respective counties, may subscribe to the capital stock of said company a sum not exceeding one-tenth of said capital stock for each respective county, and the said boards are hereby empowered to levy and collect the same as other taxes.

By-laws of cor-
poration.

5. The said company reserves the right of making all rules, regulations and by-laws for the government of said corporation ; the legislature also reserves the right to alter or amend the above act, as they may think proper.

Amendment of
act.

CHAPTER 85.—An ACT to regulate the charges for orders of publication and other notices published in legal proceedings.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

Charges may be
fixed by rule of
court.

Every circuit court is hereby authorized to prescribe by rule of court the price to be paid for all legal publications required to be made in any cause or proceeding therein, but such price shall not exceed the rates of advertising published in the newspaper in which such legal publication is made. If no such rule of court be made, the price shall be the same as the rates of advertising so published. In either case the price paid for such publication shall be taxed in the bill of costs.

CHAPTER 86.—An ACT permanently locating the county seat of Mercer County.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

County seat.

1. The county seat of Mercer county shall hereafter be at Princeton, in the said county.

Temporary
county offices.

2. The board of supervisors shall as soon as practicable provide temporary buildings to be used as court house and public offices until the necessary buildings are erected as provided by law.

Removal of
county offices.

3. All officers who are required to have offices at the county seat shall, as soon as suitable buildings are provided for their accommodation, remove their offices to the county seat.

Circuit court.

4. The judge of the circuit shall hold his court for said county at the court house to be provided in pursuance of this act.

CHAPTER 87.—An ACT providing for the re-division of the county of Wayne into townships.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

1. That John W. Holt, H. W. Stewart, John B. Bowers, Benjamin R. Haley and Joseph D. York, be and they are hereby appointed commissioners to lay off the county of Wayne into five townships, and in connection therewith to do and perform all the duties in relation to said county of Wayne, prescribed by the act passed July thirty-first, eighteen hundred and sixty-three, entitled "An Act to provide for the division into townships of the several counties of this State." A majority of said commissioners shall be a quorum for the transaction of business.

Commissioners.

Their duties.

2. The said commissioners shall in their report fix the place or places of voting in each township laid off by them under the provisions of this act, and all elections therein shall be held at such places until the same are changed by the board of supervisors elected under the new arrangement of townships herein provided for.

Commissioners to fix places of voting.

3. Said commissioners shall post copies of the lines of each of said townships, together with the place or places of voting, at one or more conspicuous places therein, at least twenty days before the next annual township election in said county.

Notice of township lines and places of voting.

CHAPTER 88.—An ACT reducing the number of townships in Taylor County.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

1. That the townships of Taylor County be reduced to five, whose boundaries shall be as follows: First, Grafton township shall be enlarged by a line running from the corporate limits of Grafton, on the east side of the Tygarts Valley River, to the mouth of Bartley's Creek, thence up Bartley's Creek to the site of Marker's steam saw mill, thence in a direct line to McDaniel's Ferry, on the Tygarts Valley River, thence in a direct line to the residence of William Means, Jr., (so as to include said Means), thence in a direct line to the North Western Turnpike at the junction of the Fairmont road, thence following the meanderings of the North Western Turnpike to the watering trough between Fetterman and Grafton, thence to the point of commencing. The rest of the county shall be divided into four townships, two on the east and two on the west side of the Tygarts Valley River, their boundaries to be settled by commissioners appointed by the present board of supervisors.

Grafton township.

Other townships

2. That this act shall not take effect until the annual township election in May, eighteen hundred and sixty-seven.

Commencement.

CHAPTER 89.—An ACT to amend the Act passed March 1, 1864, entitled "An Act to exempt a certain amount of property from execution or other process."

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia :

Property not exempt from execution for debts for funeral expenses.

The act passed March first, eighteen hundred and sixty-four, entitled "An Act to exempt a certain amount of property from execution or other process," shall not apply to debts created for funeral expenses, but all such debts may hereafter be sued for and collected in the same manner and to the same extent as if said act had not been passed.

CHAPTER 90.—An ACT for the relief of Jacob B. Reger.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia :

\$415.53 appropriated.

The auditor is hereby directed to issue his warrant upon the treasury for four hundred and fifteen dollars and eighty-three cents, in favor of Jacob B. Reger, late superintendent of the Parkersburg and Staunton Turnpike, it being the sum appearing to be due him upon settlement with the Board of Public Works.

CHAPTER 91.—An ACT authorizing the sale of West Liberty Academy.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia :

Sale authorized.

1. The board of trustees of the West Liberty Academy, in the county of Ohio, are hereby authorized to sell, either at public or private sale, all the lands, buildings, fixtures and appurtenances belonging to said academy, and to convey the same to the purchaser. The proceeds of said sale shall be applied to the payment of the debts against said academy, and the surplus, if any there be, to the purchase of one or more boarding houses for the use of said academy; provided, the said academy building, or so much thereof as may be necessary to accommodate and conduct a good school, continue to be used for educational purposes.

Proceeds of sale.

Academy may be bought for Normal School.

2. The State superintendent of free schools is hereby authorized to purchase said academy, at a cost not to exceed six thousand dollars, on behalf of the board of regents of the State Normal School; and said board of regents is authorized, with as little delay as possible, to establish a branch of said State Normal School at said academy, under the same provisions for its management as are prescribed by the act establishing a State Normal School; and the auditor is hereby authorized to pay out of any money in the treasury, not otherwise appropriated, upon the order of said state superintendent, a sum not to exceed six thousand dollars.

\$6,000 appropriated.

CHAPTER 92.—An ACT to provide Free Schools for the town of Clarksburg.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

1. The town of Clarksburg and parts of school districts contained within the following boundaries, to wit: Beginning at the railroad bridge over the West Fork river; thence easterly with the railroad to Gregory's run; thence up said run with its meanders to the head of the longest branch thereof; thence easterly, with the top of the ridge dividing the waters of Fall run from other waters on the south, to the north-east corner of James M. Jackson's land; thence southerly with the lines of said land to the land of B. F. Shuttleworth, known as the Hurry land, thence with the eastern boundary of said land to the south-easterly corner thereof; thence by a straight line to the mouth of Murphy's run; thence up Elk creek with the meanders thereof to the lower corner of the Fowkes farm; thence with the lines of said farm to near the house of A. S. Criss; thence westerly, so as to include his house, with the top of the ridge between Arnold's run and Clarksburg to a corner of Gay Duncan's land at the end of said ridge; thence with her line to a corner of the Sehon meadow land; thence with a line thereof to the West Fork river; thence up said river with its meanders to the upper corner of the Stealey place; thence with the several back lines of said farm to the said West Fork river; thence down the same to the place of beginning, shall constitute one school district; and the board of education thereof shall consist of three commissioners, who shall be elected by the resident voters of the district, and have exclusive control of all schools within the same.

Boundaries of school district.

2. The board of education for the school district of Clarksburg shall be invested with the same rights, and shall exercise the same powers, perform the same duties, and be governed by the same laws that boards of education of townships are, except in so far as they are exempted by the provisions of this act. Wherever the word "township" occurs in the school law it shall be construed to mean school district, whenever necessary to give effect to this act.

Board of education.

3. The board of education of the school district of Clarksburg shall have power to establish in said district a graded school or schools, where, in addition to the branches now taught in the common schools, they may teach algebra, geometry, natural philosophy, chemistry, and such other branches as the board may determine.

Graded school.

4. The board of education of the school district of Clarksburg shall have power to admit to said school other pupils not living within said district, upon the payment of such tuition as they may prescribe; provided, however, that such sum shall not be less than the average cost per scholar for maintaining said schools, and provided further, that the said board shall have power to make and enforce rules for the exclusion of children when their attendance would be dangerous to the health or detrimental to the morals or discipline of the school.

Admission of pupils to school.

Board may make
levy for school
purposes.

5. It shall be the duty of the board of education to determine, at their annual meeting in the month of July, as near as practicable the amount of money necessary, in addition to all other available funds, to continue the schools of the district for a term of ten school months, and they shall cause such amount to be assessed on all the taxable property of the district, not exceeding the limit prescribed by the school law, and the same shall be levied and collected in such manner as the board of education may determine. The officer collecting the same, shall receive a commission of three per cent upon the amount collected.

Commission of
collecting officer.

Property held
by parent school
boards.

6. The board of education shall make an equitable adjustment of all moneys or property held by the boards of education of the townships of Clark and Coal, based upon the value of all taxable property for the year eighteen hundred and sixty-six, of that portion of the said district within said townships as compared with the value of the whole townships.

How far general
school law appli-
cable.

7. The provisions of the general school law in regard to the election of trustees shall not be held applicable to the school district of Clarksburg.

Election of
commissioners.

8. The qualified voters of the school district of Clarksburg shall, on the thirtieth day of March next, elect three commissioners as herein provided for. The town council of Clarksburg shall appoint three voters of said district to conduct said election.

CHAPTER 93.—An ACT to provide for the completion of a line or lines of Railroad from the waters of the Chesapeake to the Ohio River.

Passed February 25, 1867.

Be it enacted by the Legislature of West Virginia:

Consolidation of
certain railroads
authorized.

1. That it shall be lawful for the Covington and Ohio Railroad Company, which may be organized under the act passed by the General Assembly of Virginia, on the twenty-sixth day of February, eighteen hundred and sixty-six, and the act passed by the Legislature of West Virginia, on the first day of March, eighteen hundred and sixty-six, entitled "An Act to incorporate the Covington and Ohio Railroad Company," to consolidate with the Virginia Central Railroad Company, with the West Virginia Central Railway Company, with the Southside Railroad Company, with the Norfolk and Petersburg Railroad Company, or with one or more of said companies, upon such terms as may be agreed upon by the stockholders of the companies proposing to consolidate, in general meeting.

Incorporation of
consolidated
company as
Chesapeake and
Ohio R. R. Co.

2. The companies which may consolidate under the provisions of this act shall constitute one corporation, which shall be vested with all the rights, privileges, franchises and property which may have been vested in either company prior to the act of consolidation, and shall be known as the Chesapeake and Ohio Railroad Company.

3. Should the consolidation of all the companies not be effected at the same time, it shall be lawful for the Chesapeake and Ohio Railroad Company, when formed by two or more companies, afterwards to consolidate with the remaining company or companies.

Future consolidation authorized.

4. It shall be the duty of said company, within six years after its organization, to complete the railroad from Covington to the Ohio river, in a style and with grades and curves not inferior to those adopted by C. B. Fisk, Esq., late chief engineer, in his report and plans of said work; and they may select the mouth of Big Sandy river or the mouth of the Great Kanawha river as the Ohio terminus of their road, or may construct a branch of their road to both points and may occupy the line of the West Virginia Central Railway Company, with its consent, from Charleston to the Ohio river, and upon terms to be agreed upon by said companies; and the said Chesapeake and Ohio Railroad Company shall have the right to construct an air line railroad from Richmond to Charlottesville, or to make such changes in that part of the Central Railroad which lies between said points as will shorten the same, and shall have all the powers conferred by the code and laws of Virginia which may be necessary for this purpose.

Completion of Covington and Ohio R. R.

Occupation of line of W. Va. Central R. R.

5. Should the Southside Railroad Company and the Norfolk and Petersburg Railroad Company, or either of them, become consolidated with the Covington and Ohio Railroad Company, it shall be the duty of the consolidated company, within the time agreed upon in the terms of consolidation, to construct a railroad from the terminus of the Southside Railroad at Lynchburg to Covington, or a suitable point of connection on the Virginia Central Railroad; and said company shall be vested with all the powers conferred by the code of Virginia to enable it to construct said railroad.

Construction of railroad from Lynchburg to Virginia Central R. R.

6. The state reserves the right to connect with the works of this company any other work of internal improvement, and no discrimination shall be made in the charges of said company against the trade and travel of any connecting work.

Connection with other internal improvements.

7. Said company may have a capital stock not exceeding thirty millions of dollars, to be divided into shares of one hundred dollars each, and may make a part thereof preferred stock, and may borrow such sums of money, at a rate of interest not exceeding eight per centum per annum, as may be necessary for the construction and proper equipment of its road, and execute liens upon its property and revenues to secure the payment of the interest and principal of the same.

Capital stock.

Company may borrow money and secure its payment.

8. It shall be lawful for said company to acquire not exceeding five millions of acres of land in payment for subscriptions of stock or by purchase; provided, however, it shall not be lawful for said company, at the expiration of ten years after the completion of their road, to hold more land than shall be necessary for the use of the road.

Company may hold land.

9. Said company may elect such number of directors and provide for the election or appointment of such officers and agents as it may decide to be necessary for the management of its affairs.

Directors and officers.

Stockholders' votes.

10. Each stockholder shall have one vote in the meetings of the stockholders, for every share of stock held by him.

Vacancy in commissioners of Covington and Ohio Railroad.

11. Should a vacancy at any time occur in the board of commissioners of the Covington and Ohio Railroad from the death, resignation or disability to act, of any of its members, it shall be the duty of the governor of the state in which such member resided to fill the vacancy by a new appointment.

Subscriptions to stock of Covington and Ohio Railroad.

12. It shall be lawful for the commissioners to cause books of subscription to the stock of the Covington and Ohio Railroad Company to be opened at such places and under the direction of such agents as they may appoint, with the view of organizing a company to accept the charter of the Covington and Ohio Railroad, and construct said railroad.

How Chesapeake and Ohio Railroad company may purchase certain stock and rights of the State of Virginia.

13. The said Chesapeake and Ohio Railroad Company shall have the right, at any time within two years after its organization, to purchase the stock held by the State of Virginia at the date of the purchase in said company, by transferring to the board of public works of Virginia, bonds of the State of Virginia for an amount equal to the stock proposed to be purchased, and also to pay any debt which it may owe to the State of Virginia at the date of the payment, on account of loans made to any of the companies which may have consolidated, by surrendering to the board of public works of Virginia, State bonds for an amount equal to the debts proposed to be paid, and may also purchase the right of the State of Virginia in and to the Blue Ridge Railroad by the surrender of State bonds to an amount equal to the value of said road at the time of purchase under the contract with the Virginia Central Railroad Company; said amount to be ascertained by the commissioners of the Covington and Ohio Railroad. It shall also be lawful for any stockholder in the Chesapeake and Ohio Railroad Company to purchase a part or the whole of the stock held by the State of Virginia at the time of the purchase, in the company of which he is a stockholder, by transferring to the board of public works of Virginia, State bonds equal in amount to the stock proposed to be purchased. But nothing in this act contained shall be held to bind the State of West Virginia for any part of the debts of Virginia.

Proriso.

Certain companies may contract for constructing Covington and Ohio Railroad.

14. The Virginia Central Railroad Company and the West Virginia Central Railway Company, or either of them may contract with the Covington and Ohio Railroad commissioners for the construction of the railroad from Covington to the Ohio river, and in the event such contract be made, the said Virginia Central Railroad Company or West Virginia Central Railway Company, shall be known as the Chesapeake and Ohio Railroad Company and shall be entitled to all the benefits of the charter of the Covington and Ohio Railroad and to all the rights, interests and privileges which by this act are conferred upon the Chesapeake and Ohio Railroad Company when organized.

15. It shall be lawful for the board of supervisors of any county to take the sense of the qualified voters of their county upon the ques-

tion of subscription of the stock of any company which may be authorized to construct the railroad from Covington, in the State of Virginia, to the Ohio river; and; should three-fifths of the persons who may vote on such question, vote in favor of the proposed subscription, the said board of supervisors shall appoint an agent to subscribe for the amount of stock which may have been authorized by the vote of the county, and also an agent to negotiate a loan or loans in the name of the county, at a rate of interest not exceeding ten per cent per annum, for the purpose of paying such subscription of stock, and said board of supervisors shall be authorized to issue the bonds, coupon or registered, of the county for the amount of such loans; and said board of supervisors shall from time to time, assess and collect taxes upon the taxable subjects of their county sufficient to pay the interest upon such loans and the final extinction of the principal thereof.

Subscription by counties to Chesapeake and Ohio Railroad.

16. James Burley, Z. D. Ramsdell, Harrison Hagans, Joel McPherson and John S. Cunningham are hereby appointed commissioners on behalf of West Virginia, in lieu of the commissioners appointed by the act passed March first, eighteen hundred and sixty-six, entitled "An act to incorporate the Covington and Ohio Railroad Company," with all the powers vested in the former commissioners by said act, and said commissioners may act conjointly with the commissioners of Virginia or may act separately, but no act of the said commissioners whether acting by themselves or in conjunction with the commissioners appointed by the State of Virginia shall be valid or effectual unless approved or voted for by at least three of the commissioners appointed by this act.

Covington and Ohio Railroad commissioners.

17. It shall be the duty of the company which may be formed under this act to file, within thirty days after their organization, with the board of public works of Virginia and West Virginia, a duly certified and correct copy of the terms of consolidation.

Copy of terms of consolidation to be filed.

CHAPTER 94.—An ACT to amend and re-enact the charter of the town of Ripley, in the county of Jackson.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia:

1. The corporate limits and boundaries of the town of Ripley shall be as follows: Beginning at the mouth of Sycamore creek; thence up Big Mill creek with the meanderings thereof to a large sycamore at or near the corner of the land formerly owned by James Greer; thence with the lines of said farm to a large white oak on the line of George J. Walker; from thence north to Sycamore creek; thence down said creek with meanderings to place of beginning.

Corporate limits.

2. The municipal authorities of said town shall be a mayor, recorder and five councilmen, who together shall form a common council. They shall be elected by the citizens of said town entitled

Municipal authorities.

to vote under this act, for one year unless chosen to fill a vacancy, and until their successors shall have been elected and qualified, and shall be residents of said town entitled to vote for members of its common council.

Incorporation.

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified, shall be a body corporate, by the name of "The Town of Ripley," and shall have perpetual succession and a common seal, and by that name may sue and be sued, may rent or purchase and hold real estate necessary to enable them to discharge their duties, and needful for the good order, government and welfare of said town. The corporate powers thereof shall be exercised by said council or under their authority, except where otherwise provided.

Town officers.

4. There shall be a town sergeant, a treasurer and assessor appointed by the council, to continue in office during its pleasure, and perform the duties respectively as hereinafter prescribed, or as may be required by said council.

Elections.

5. The first election under this act shall be held on the fourth Thursday in March, eighteen hundred and sixty-seven, at the place in said town where the board of trustees meet, under the supervision of a justice of Mill Creek township, and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision as the council of said town may prescribe. The person conducting the first election shall give a certificate of the persons elected, and deliver the same to the clerk of the board of trustees of said town, who shall notify the persons so elected of the same, and their term of office shall commence on the first Monday of April next after their election. Said certificate shall be entered on the records of said council.

Who entitled to vote.

6. All persons resident in said town and entitled to vote for county and township officers, shall be entitled to vote for mayor, recorder and councilmen. At all elections the vote shall be by ballot, and when two or more persons for the same office at any election shall receive an equal number of votes, the person or persons conducting such election shall decide which of said persons shall be returned elected. And all contested elections shall be determined by the council for the time being, and when a vacancy shall occur from any cause in the office of mayor, recorder or in the council, the vacancy shall be filled by appointment of the council.

Contested elections.

Oaths of officers.

7. The mayor, recorder, councilmen, sergeant, treasurer and assessor shall each, before entering upon the duties of his office, and within ten days after notice of his election make oath or affirmation before an officer authorized to administer oaths, as required of officers by the act of November sixteenth, eighteen hundred and sixty-three, that they will well and truly and impartially discharge the duties of their offices respectively. The mayor, having taken such oath or

affirmation, may administer the oaths aforesaid to the other officers and councilmen. Certificates of said oaths or affirmation shall be recorded in the journal of the proceedings of the council, and where any four of the councilmen shall have been so qualified, they shall enter upon their said offices and supersede the former councilmen.

8. If any one elected mayor, recorder or councilmen shall not have been eligible, or shall fail or refuse to take the oath or affirmation required by this act, within the ten days aforesaid, or shall die or remove from said town, such office shall be declared vacant, and the vacancy filled as hereinbefore prescribed, but in all cases from the citizens of the town eligible to such office under this act.

Vacancies in
office.

9. The council shall be presided over at its meetings by the mayor, or in his absence by one of the councilmen chosen by a majority or the council present, and a majority of the council shall be necessary to constitute a quorum to do business. The council shall cause to be kept in a journal an accurate account of its proceedings, by-laws, acts and orders, which shall be open to the inspection of the voters of the town. The proceedings of the last meeting shall be read to the council, corrected when necessary, and signed by the person presiding for the time being. Upon the call of any member, the ayes and noes on any question shall be called and recorded in the journal. The mayor shall vote only in cases of a tie, and shall have the casting vote.

Proceedings of
council.

10. The council shall have power within said town to lay off, open, curb and pave streets, alleys, walks and gutters for the public use, and to alter, improve and light the same, as well as the streets and alleys now open, and to have said streets and alleys kept in good order and free from obstructions on or over them; to regulate the width of the sidewalks and streets, and to order the sidewalks, footways and gutters to be curbed, paved and kept in good order, free and clean, by the owners or occupants of the adjacent property; to lay off public grounds and provide, contract for and take care of public buildings proper to the town; to prevent injury or annoyance to the public or individuals, from anything dangerous, offensive or unwholesome; to abate, or cause to be abated, anything which, in the opinion of the majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide for the burial of the dead, and for this purpose may purchase and hold the land necessary for a cemetery, near or convenient to said town, and provide for its improvement and security; to provide for making division fences, and for shade and ornamental trees, and against danger or damage from fires or contagious diseases; to organize one or more fire companies, and provide buckets, hooks, ladders and engines, or any of them, for their use; to provide a revenue for the town, and appropriate the same, and to provide the annual assessment of taxable persons and property of the town; to adopt rules for the government of its own body; to promote the general welfare of the town, and protect the property and preserve the peace and good order therein; to appoint

Powers of coun-
cil.

such officers as they may deem proper, including a sergeant, assessor and treasurer, to define their powers and prescribe their duties, fix their term of service and compensation, require and take from them bonds, with such surety and in such penalty as the council may determine, conditioned for the true and faithful discharge of their duties, (all bonds to be made payable to the town by its corporate name); to regulate and provide for weighing and measuring hay, coal, and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets, and, generally, to do such things as the council may deem necessary for the interests, prosperity, peace and good order of the citizens of said town.

Further powers
of council.

11. To carry into effect these enumerated powers and all others conferred upon the said town or its council, expressly or by implication, in this or any other acts of the legislature, the council shall have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the constitution and laws of this State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment for a term not exceeding thirty days, under the judgment and order of the mayor of said town, or the person lawfully exercising his functions. The council, with the consent of the supervisors of Jackson county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs.

Annual levy.

12. The annual levy ordered by the council may be upon all male persons within said town over twenty-one years of age, and on all real and personal estate not exempt from State taxation, and all other subjects in said town as may at the time be assessed with State taxes; provided the tax do not exceed seventy-five cents on every one hundred dollars of the value of the real and personal property, or one dollar per head on each taxable person. So much of the land within the corporate limits of said town as shall be worked for farming purposes, exceeding one acre in an enclosure, shall be exempt from taxation by said council during the year it shall be so used.

Farming land
exempt.

Licenses.

13. When anything for which a State license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town; and the council may in any case require from the person so licensed a bond with sureties, in such penalty and with such condition as it may determine.

Sergeant; his du-
ties, powers, and
compensation.

14. The sergeant shall collect the town taxes, fines, levies and licenses, and after thirty days from the time he may receive the books of the assessor of said town may distrain and sell therefor in like manner as a sheriff may for State taxes, and shall in all respects have the same powers as a sheriff to enforce the payment and collection thereof. He shall act as a conservator of the peace, quell all riots, disperse all unlawful assemblies, and arrest and bring before the

mayor all disorderly persons; he shall execute all process issued by the mayor, collect all moneys required thereby, and shall exercise the duties of a constable in regard thereto, and receive the same compensation therefor, and be liable under his bond for all moneys collected by him, to be collected in the same manner and before the same tribunals that the same are now recovered against constables.

15. There shall be a lien on real estate for the town taxes assessed thereon from the commencement of the year for which they are assessed, and the council may order and require the same to be sold or rented by the sergeant at public auction for the arrears, with interest thereon, with such per centum as the council may prescribe for charges and expenses thereof, and may regulate the terms upon and the time within which the same may be redeemed. No such sale or renting shall be ordered until such realty shall be returned delinquent, and the sale shall be after three weeks' notice published in a newspaper in said county, if any, or by posting said notice at the post office in said town. Lien for taxes.

16. The mayor shall be the chief executive officer of said town; shall take care that the by-laws, ordinances and orders of the council are faithfully executed; shall be *ex officio* a conservator and justice of the peace in the town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction in civil actions on contract; shall see that peace and good order are preserved, and that persons and property are protected in the town, and may appoint special police officers for that purpose when he deems it necessary; shall have power to issue orders of arrest and executions for all fines and costs imposed by him, or may require immediate payment thereof, and in default of such payment may commit the party in default to the jail of the county until the fine and costs be paid, but the term of imprisonment in such case shall not exceed thirty days; he shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he was elected. Mayor his duties and compensation.

17. The recorder shall keep a journal of the proceedings of the council and have charge of and preserve the records of the town, and shall receive a compensation for his services to be fixed by the council, which shall not be increased or diminished for the term for which he was elected. Recorder; his duties and compensation.

18. All moneys belonging to said town shall be paid over to the treasurer, who shall pay out the same upon the order of the mayor countersigned by the recorder, and not otherwise; and for any default or liability upon the part of the treasurer or the sergeant, the council in the corporate name of said town may, on motion after ten days' notice, obtain judgment before the circuit court of said county on account thereof against them and their securities respectively, or their heirs or legal representatives. Treasurer.

Roads and
bridges.

19. The said town and taxable persons and property therein shall be exempt from all expense or liability for the construction or repair of roads or bridges outside the corporate limits of said town, but nothing in this act shall be construed to exempt the inhabitants of said town from performing work on the roads and bridges inside of said corporation.

Former rights of
town.

20. All rights, privileges and properties of the said town heretofore acquired by any act now in force, shall continue and remain vested in said town by this act, and all laws inconsistent with this act are repealed.

CHAPTER 95.—An ACT to incorporate the West Virginia Transportation Company.

Passed February 26, 1867.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Henry W. Heird, Geo. Bradish, Norman Peck, M. C. C. Church and James McArthur, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate by

Incorporation.

the name, style and title of "The West Virginia Transportation Company;" and as such they shall have the right to lay out and construct, or cause to be laid out and constructed a line or lines of tubing for the purpose of transporting oil through the same in, through or along the oil district in the county of Wirt, connecting with the Little Kanawha river, at the mouth of Burning Spring run, and terminating at or near the mouth of Standing Stone creek, above Newark, in the county of Wirt, on the Little Kanawha river; Provided, that when the Little Kanawha Navigation Improvement Company shall have completed its improvement to the mouth of Burning Springs run by erecting five or more dams, the said West Virginia Transportation Company shall take up its main lines of pipe or tubing, connecting the mouth of Burning Springs run with Oil Rock, in the county of Wirt;

Route of tubing.

Provided, further, that nothing in the foregoing part of this section shall be so construed as to prevent the said West Virginia Transportation Company from laying pipes or tubing from the oil district in the counties aforesaid to the Little Kanawha river, except where pipes or tubing are now laid or being laid for the purposes aforesaid, down Burning Springs run to the Little Kanawha river. And provided further, that the party or parties now laying pipes or tubing down Burning Springs run shall faithfully and truly lay said pipes or tubing within the term of six months from the passage of this act; otherwise the West Virginia Transportation Company is to have the privilege of doing the same according to the provisions of this act, or whenever the party or parties now laying pipes or tubing down Burning Springs run, their assigns or legal representatives, shall charge more than thirty-five cents per barrel of forty gallons each. Or provided, further, that other party or parties shall lay a line or lines of tubing down

Proviso.

Further proviso.

Burning Springs run to the Little Kanawha river; then in either case the West Virginia Transportation Company shall have the privilege of laying a line or lines of tubing down said run as aforesaid.

2. The capital stock of said company shall consist of three hundred and eighty shares, at the par value of one hundred dollars each, and may be increased when deemed necessary, by a vote of the stockholders in annual or special meeting, as provided by the laws of West Virginia, to an amount not exceeding five thousand shares of one hundred dollarseach. Capital stock.

3. The said company shall have the power and authority to borrow money in any sum or sums not exceeding in amount one half of the par value of the capital stock, at a rate of interest not exceeding seven per centum per annum, and to secure the repayment of the same and the interest thereon, to give bonds secured by mortgage of and on the said lines of tubing and branch pipes, and the corporate rights and franchises granted by this act, which principal moneys shall be payable at such dates and times as the board of directors may deem advisable. Company may borrow money and secure its payment.

4. The company shall have the right to purchase such real estate, and erect or cause to be erected, such buildings and improvements thereon, from time to time, and use and hold the same; and further, to have the right to purchase all necessary equipments and appendages, such as tubing, pumps, tanks, telegraph apparatus, and all the needful appliances appertaining thereto, as may be necessary for the transportation of oil through said tubing and branch pipes, for the accommodation, convenience and purposes of said company. Company may hold real estate.

5. When three miles of said company's tubing or pipes are laid and ready for operation, the company aforesaid shall have power to enter and condemn lands, and acquire the right of the same for the purpose of their said improvements, as provided by law in the fifty-sixth chapter of the Code of Virginia, second edition; and in such cases, where it may be deemed advisable by said company, shall at its option have the power to acquire a sufficient right of way only, for the purposes of its said improvement, over any such lands, instead of the fee simple thereof. Condemnation of lands.

6. The said company shall make, have and use a common seal, and alter or renew the same at pleasure; and also, shall have power to ordain, establish and to put into execution such by-laws or ordinances and regulations as shall appear necessary or convenient for the government of the said company or corporation, not inconsistent with the constitution of the United States, or the constitution of the State of West Virginia. Seal and ordinances of company.

7. The said company shall have full power to regulate its charges for the transportation of oil through such tubing; provided, that such Charges for transportation.

charges shall not, in any case, exceed one dollar for each barrel of forty gallons so transported, nor exceed seventy-five cents when transported through any branch or other line of such tubing, not exceeding five miles in length.

Powers of company.

8. The said company shall be subject to all the provisions and liabilities, and entitled to all the benefits of the provisions of the Code of Virginia, second edition, prescribing general regulations for joint stock companies and works of internal improvement, and all other laws now in force relating to the same, except so far as the provisions of this act are or may be inconsistent therewith.

Stockholders' votes.

9. At any meeting of the stockholders, each share of stock shall be entitled to one vote.

Principal office.

10. The principal office or place of business of said company, shall be kept at the city of Parkersburg.

Company not to consolidate with Little Kanawha Improvement Company.

11. It is expressly understood that in granting the franchises hereinbefore mentioned, there shall be no consolidation of the Little Kanawha Navigation Improvement Company and the West Virginia Transportation Company, nor shall there be any transfer of said stock of one company to the other, but each company, during their corporate existence, shall remain separate and distinct, under a forfeiture of the chartered rights and franchises granted to both.

Amendment of act.

12. The legislature reserves the right to alter, amend or repeal this act.

CHAPTER 96.—AN ACT for the relief of B. S. Smithers.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

Auditor's warrant for \$114.34.

The auditor is hereby authorized to issue his warrant upon the treasury for one hundred and fourteen dollars and thirty-four cents in favor of B. S. Smithers, being the amount of taxes paid by him upon an excessive valuation of lands in Kanawha County for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, eighteen hundred and sixty-five and eighteen hundred and sixty-six.

CHAPTER 97.—AN ACT to authorize the Holliday's Cove Railroad Company to increase the amount of its capital stock and bonded debt.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

Amount of stock.

1. That the Holliday's Cove Railroad Company be and the same is hereby authorized to increase its capital stock to one million five hundred thousand dollars.

2. That said company, including as part thereof the debt already contracted may borrow money to an amount not exceeding its capital stock at the time being; may issue bonds therefor at a rate of interest not exceeding seven per centum interest, payable at times and places to be fixed by the directors, and to secure the payment of principal and interest by a mortgage or mortgages upon all or any part of its property.

Company may borrow money and secure its payment.

CHAPTER 98.—An ACT regulating Free Schools.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

Chapter seventy-four of the Acts of eighteen hundred and sixty-six is amended and re-enacted so as to read as follows: Act amended.

Election of school commissioners for the several townships.

1. School commissioners for the several townships shall be elected by the voters thereof at the annual township elections; and there shall be three such commissioners for each township, and after the first election two commissioners shall not be chosen from the same school district, if there be so many as three school districts in the townships. When such commissioners have not heretofore been elected in any township, the county superintendent of free schools for the county may appoint them, in which case they shall hold their office until their successors, elected under the following section, are qualified to act. School commissioners; their election or appointment.

2. At the first election therefor in any township for which such commissioners have not heretofore been elected, the full number shall be elected; of whom the one who receives the highest number of votes shall hold his office for three years; the one who receives the next highest number shall hold his office for two years, and the other shall hold his office for one year; but those who receive an equal number of votes shall, if elected, determine their respective terms of office by lot. Their term of office.

3. After the first election therefor in any township, whether the same has been heretofore or shall be hereafter held, one school commissioner for such township shall be annually elected. One commissioner elected annually.

4. When there is a vacancy in the office of school commissioner, the same shall be filled for the unexpired term at the next annual township election, but in the meantime the board of education of the township may fill the office by a temporary appointment, to expire when the person so to be elected at the annual township election shall be duly qualified to act. The commissioners so elected shall, within ten days after being duly notified thereof by the township clerk, proceed to qualify by taking the several oaths prescribed by law, which oaths the township clerk is hereby authorized to administer; a copy of which oaths, signed by the commissioners, shall be filed by him in his office. Vacancy in office of commissioner; how filled. Qualification of commissioners.

Board of education to be a corporation—How constituted—Service of process.

Board of education.

5. The school commissioners and clerk of the township shall constitute the board of education thereof; and as such they and their successors shall be a corporation by the name of "*The Board of Education of the Township of ———*;" but the clerk shall have no vote as a member of the board, except in the case of an appointment to fill a vacancy in the office of school commissioner.

Its incorporation.

Board may hold property.

6. The said corporation may receive, hold, use and dispose of according to the rules of law and the intent of the instrument conferring title, any gift, grant, devise or bequest made for the use of any free school or schools under their jurisdiction; and without any transfer or conveyance shall be deemed the owner of the real and personal property in their township which has been lawfully appropriated to the use of free schools.

Service of process on board.

7. Process and notice may be served on the said corporation by delivering a copy thereof to their secretary or any two members of the board.

Secretary of the board—His duties and compensation.

Organization of the board; its president and secretary.

8. The board of education, at the first meeting after their election and annually thereafter at such time as they may designate, shall organize by the election of a president from among their number. The clerk of the township shall be secretary of the board, but when necessary they may appoint a secretary *pro tempore*. The secretary shall attend all meetings of the board and record all their official proceedings in a book to be kept for the purpose, and attest such record by his signature; and the same shall at all seasonable times be open to the inspection of any person interested therein; he shall have the care of all papers belonging to the board containing evidences of title, contracts or obligations, or which are otherwise valuable, and preserve the same in his office, properly arranged for reference, and shall record or keep on file in his office such papers and documents as the board or law may direct; he shall keep such accounts and prepare and certify such reports and writings pertaining to the business of the board as the board or law may direct. For his services as secretary he shall receive such compensation as the board may determine, to be paid out of the school fund.

Duties of secretary.

His compensation.

Division of the townships into school districts.

Present districts to continue.

9. The school districts into which any township is now divided shall continue until changed by the board of education thereof.

Division of township into districts.

10. The board shall divide their townships into convenient school districts, having due regard for the school houses already built or sites procured, and assigning, if practicable, to each district not less than fifty youths between the ages of six and twenty-one years. They may, from time to time, change the boundaries of such districts, and increase or diminish the number thereof.

Primary Schools.

11. The board of education shall cause to be kept in every school district of their township, by a teacher or teachers of competent ability and good morals, a sufficient number of primary schools for the instruction of the persons entitled to attend the same. The following persons, when residing in a school district with intent to make such district their home, shall have the right to attend and receive instruction at the primary schools thereof, that is to say: Every youth between the ages of six and twenty-one years shall have such right while he remains under the age of twenty-one; and every person honorably discharged from the military or naval service of the United States or this State shall have the right to receive instruction for five years without regard to his age, and any person wishing to receive instruction at any primary school in this State after being twenty-one years of age shall have a right to attend a school of his district, and the teacher or teachers there employed shall give instruction to such person the same as is required by law to be given to youths under the age of twenty-one years, upon the payment of such tuition fees, and such other terms as the trustees of the district may prescribe.

Establishment of primary schools.

Who may attend the same.

12. In the primary schools there shall be taught orthography, reading, writing, arithmetic, English grammar and geography, and such branches of learning in addition thereto as the trustees of the district may direct.

Branches taught

13. The board of education shall have general control and supervision of the schools in their townships; but in each district, three trustees, resident voters thereof, shall be appointed by the board of education on or before the first Monday in July, whose term of office shall begin on the first day of September following, and continue for three years, or until their successors in office are qualified, except those first appointed, whose terms of office shall be respectively for one, two and three years, as the board of education may determine; one to be appointed annually thereafter. Every trustee shall, within ten days after his appointment, before the secretary of the board or any one qualified to administer oaths, subscribe to the oaths required of all the officers of the State, but upon failure to qualify, or for any other just cause made apparent upon investigation, after ten days notice being given him of any complaint with fair opportunity for defence, the board may declare his office vacant. All vacancies shall be filled by the board of education. The trustees now in office shall serve until the first day of September next.

Trustees; their appointment,

term of office,

qualification

and removal.

14. Whenever it shall happen that persons are so situated as to be better accommodated at the primary school of an adjoining district whether in the same or in an adjoining township or county, or whenever it may be desirable to establish a school composed of pupils from parts of two districts, whether in the same or an adjoining township or county, it shall be the duty of the trustees of the district in which such persons reside, or in which such schools may be situated, to

Transfer of pupils from one district to another.

Support of schools to which pupils may be transferred.

transfer such person for school purposes, to the district in which such school house is or may be situated; but the enumeration of youths shall be taken in each district as if no such transfer had been made; and such schools, when so composed, shall be supported from the funds of the respective districts from which the pupils may have been transferred, in proportion to their number; and the trustees of the district in which the school house is situated shall have the management of such school; and the trustees of the districts so connected for school purposes, shall each make the proper estimates of their share of the expenses of every kind necessary to sustain said school, and certify the same to the school board of their respective townships as a part of their annual estimates for school purposes, which board shall draw orders on their respective township treasurers for such sum as will be in proportion to the enumeration of youths so transferred, in favor of that township in which such school is located, to be appropriated to the payment of teachers and for other purposes connected with the establishment or maintenance of such school.

Powers and duties of the trustees of school districts.

Appointment, salaries and removal of teachers.

15. The trustees of every school district shall appoint the teacher for the schools under their charge, fix their salaries and dismiss them at any time for incompetency, neglect of duty, cruelty or immorality. They may direct other branches of learning besides those specified in the twelfth section, to be taught in any such school. They may exclude from any such school any person having a contagious or infectious disease. They may expel or suspend any scholar found guilty of disorderly, refractory, indecent or immoral conduct, and refuse to admit him again until satisfied that he will thereafter properly conduct himself.

Expulsion of scholars.

Trustees to visit schools.

16. They shall visit every school under their charge within two weeks after the opening, and again within two weeks before the close thereof, and at such other times as in their opinion it may be useful to do so. During such visits they shall inspect the register of every teacher, to see whether it has been properly kept; and ascertain whether the scholars are supplied with the books and other things requisite for their studies; whether the school house and grounds, furniture and apparatus and library are kept in good order; whether anything injurious to the health is suffered to remain about the house or grounds, and whether the school house is well ventilated and kept comfortable as the season may require. They shall also during such visits make such examination and enquiry as they deem useful respecting the studies, discipline and general condition of the school, and the conduct and proficiency of the scholars; and give such directions or make such suggestions to the teachers as in their opinion will promote the interest of the school and the health, morals and progress of the scholars.

Their duties on such visits.

Care of school houses.

17. They shall cause the school houses under their charge and everything pertaining thereto to be kept in good order and repair.

And for this purpose, it shall, among other things, be their duty to cause proper suits and prosecutions to be instituted in the name of the board of education of the township or otherwise, against every person who shall injure or destroy any school property of which the said trustees have charge.

18. The trustees of the respective districts shall keep exact accounts of all necessary expenses incurred by them in the performance of their duties, including the salaries of the teacher or teachers, designating the fund on which such expenses are a charge, according to the truth, and shall, as often as necessary, render to the secretary of the board of education written accounts, by items, of all such expenses, which, if the board find them correct, they shall pay by order on the township treasurer, signed by their secretary and president. And all expenses incurred by the said board in building, furnishing, purchasing or repairing property, rent and other outlay necessary to the performance of their duties, shall be paid by the board in the same manner.

Expenses of schools; account,

report

and payment thereof.

19. White and colored persons shall not be taught in the same school, but to afford to colored children as far as practicable the benefits of a free school education, it shall be the duty of the trustees of every school district to establish therein one or more primary schools for colored persons between the ages of six and twenty-one years, whenever the number of such persons residing therein, and between the ages aforesaid, exceeds thirty, according to the enumeration made for school purposes. If, however, after any such school has been established, the average attendance of pupils at the same be less than fifteen for any one month, the trustees shall discontinue the said school, until they ascertain that an average attendance of fifteen or more pupils can in future be had for the same. The trustees of two or more school districts, whether in the same or adjoining townships or counties, may, by agreement with each other, join in establishing a primary school for the colored children residing in the said districts, whenever an average attendance of not less than fifteen pupils can be had at such school; and such schools so established shall be subject to the same regulations that are provided for the schools for white children in section fourteen of this act.

White and colored children to be taught separately.

Schools for colored children.

May be supported by more than one district.

20. Whenever in any school district the benefit of a free school education is not secured to the colored children residing therein, in the manner mentioned in the preceding section, the fund applicable to the support of free schools in such district, whether received from the state or local taxation, shall be divided in the proportion which the number of colored children bears to the number of white children therein, according to the latest enumeration made for school purposes; and the share of the former shall be set apart for the education of colored persons of the proper age residing in such district or township, and be applied to that purpose, from time to time, in such a way as the trustees of the district may deem best.

Part of school fund to be set apart for colored children in certain cases.

Enumeration of youth. 21. The trustees for each school district shall annually, as soon as practicable after the fourth day of July, cause an enumeration to be taken of all the youth resident in their district who are between the ages of six and twenty-one years, distinguishing between male and female, white and colored, not including persons who are temporarily in such district without the intention to make it their home. The

How returned. enumeration, verified by the affidavit of the person who took the same made before the secretary of the board of education or other person qualified to administer oaths, to the effect that he used all the means in his power to make it correct, and believes it to be so, shall, on or before the twentieth day of July, be returned to the secretary of the board of education, and by him recorded in his office, and transmitted by him to the county superintendent of free schools.

Duty of county superintendent. When such enumeration for any township or district has not been received by the county superintendent before the first day of August in any year, it shall be his duty, without delay, to employ a competent person to take and verify the same as aforesaid, and he shall allow reasonable compensation for such service, and certify the same to the secretary of the board of education, who shall pay the account by an order on the township treasurer, out of any money that may afterwards be apportioned to the township as its share of the distributable state fund for the support of free schools. In either case, the county superintendent as soon as he receives the enumeration for any township, shall forward an exact copy thereof to the general superintendent of free schools for the state, and as soon as he is able to make up the same from the returns received by him, shall also forward a statement, in tabular form, showing the enumeration of each township and the aggregate for the county, distinguishing between male and female, white and colored.

Of the reports to be made.

Annual report of trustees. 22. The trustees of every district shall annually, as soon as possible after the thirty-first day of August, make report to the boards of education of their townships, setting forth in reference to their school district, and for the year ending on the said thirty-first day of August, the following particulars, that is to say: The number of schools under their charge; the number and condition of school houses; the length of time the schools have been taught during the year; the number of male teachers, their average salary per month; the whole number of youth between six and twenty-one years, according to the latest enumeration made for school purposes; the number of scholars who attended school during the year, the average daily attendance, distinguishing between males and females; amount paid to teachers; amount paid for the rent, repair and improvement of school houses and the buildings and grounds pertaining thereto, including fixtures and furniture, and the expense of cleaning and taking care of the same; the amount paid for fuel; the amount paid for other school purposes; total expenditures; value and kind of apparatus; number of volumes in school libraries and their value; with such explanations, remarks and additional information as the said trustees may

deem useful. They shall also report separately in relation to any school under their charge for colored persons.

23. The board of education to whom the report of trustees shall have been made, as provided in the twenty-second section, shall revise the said reports, and if they be found erroneous or defective, may return them to the trustees for correction. From the corrected report, and such other authentic information as they are able to obtain, they shall make a report to the county superintendent on or before the twentieth day of September annually, in tabular form by districts, embracing each particular reported to them by the said trustees, and showing the aggregate or average of each, as the case may require, for their townships. And they shall further report to the county superintendent, on or before the twentieth day of September annually, the following additional particulars in reference to their township for the year ending on the preceding thirty-first day of August, that is to say: the rate and amount of tax levied for building purposes, including the purchase of sites for school houses, the construction and furnishing of the same, and the rent, hire and repair of such property; the rate and amount of tax levied for other school purposes; amount of such taxes collected and paid over to the township treasurer to the credit of the township; amount received from the state for school purposes; amount received from other sources; total receipts; total expenditures; with such explanations, remarks and additional information as the said board may deem proper.

Annual report of board of education.

24. The county superintendent shall receive and revise the reports made to him as aforesaid, and see that they are in proper form and according to the intent of the law; and when deficiencies or errors are found to exist, shall return them for correction. From these reports, and any other authentic information he can obtain, he shall make a report to the general superintendent of free schools for the state on or before the thirtieth day of September annually, or as soon thereafter as possible, setting forth in reference to each township of his county, and for the year ending on the preceding thirty-first day of August, the several particulars mentioned in the twenty-second and twenty-third sections, with the proper aggregates or averages of each for the county.

Annual report of county superintendent.

School year.

25. The school year shall commence on and include the first day of September in every calendar year, and all reports, accounts and settlements respecting the free schools of this state shall be made with reference to the school year.

When school year to begin.

High schools.

26. When the board of education of any township deem it expedient to establish a high school, they shall submit the question to the voters of the township, either at the next annual township election or next general election for State and county officers, in the following

Question of establishing high school to be submitted to voters of township.

manner, that is to say: The board shall prepare and sign a notice setting forth the kind of school proposed; the place where it is to be located; the estimated expense of establishing the same, including cost of site, building, furniture, books and apparatus; and the estimated annual expense of supporting the school after it is in operation, with such other information concerning it as they may deem proper; and stating that the question of authorizing the establishment of such school will be submitted to the voters of the township at the election specified in the notice, which they shall cause to be posted four weeks before the election in at least three of the most public places in their township. A poll shall thereupon be taken upon the said question at the election specified in the notice, and the result ascertained in like manner as in the case of elections for township officers. The ballots used in voting on the question shall be the same pieces of paper used in voting for officers at the said election, and there may be written or printed thereon the words "*For the high school,*" or "*Against the high school.*" If it appear by the result of the said poll that not less than three-fifths of the voters who voted on the question are in favor of authorizing the establishment of the said school, the board of education may then proceed to obtain the site, erect proper buildings, fixtures and improvements, and procure necessary furniture, books and apparatus for the said school, and to support the same after it is put in operation; for which purpose the board may annually levy a tax on the property taxable in their township, not to exceed in any one year the rate of thirty cents on every hundred dollars valuation thereof, according to the latest assessment for State and county taxation. The said school shall be under the care and direction of the board of education of the township in which it is established.

Election.

Duties of board of education if high school authorized.

Levy for support of high school.

Graded schools.

27. The board of education shall have power to establish graded schools in towns and densely populated neighborhoods of their respective townships, and to make such special regulations as may be necessary to conduct them.

High school for two or more townships.

28. In like manner, if the boards of education of two or more townships, whether in the same or different counties, deem it expedient to jointly establish and support a high school, they may submit the question of authorizing the same to the voters of their townships separately, specifying in the notice the amount or proportion of the expense which each township is to contribute; and if authorized by not less than three-fifths of the voters voting on the question in each township, may proceed jointly to establish and support the said school; and for that purpose the said boards may annually levy a tax on the property taxable in their respective townships, not to exceed in any one year the rate of thirty cents on every hundred dollars valuation thereof. The said school shall be under the care and direction of directors, to be selected and removed from time to time in such manner as the boards of education concerned may agree upon, or when there is no such agreement, under the care and direction of the boards of education of the township in which the school house is situated;

Directors of such school.

and the boards of education concerned shall, from time to time, prescribe such regulations as they deem necessary respecting the said school.

29. The board of directors who have the care and direction of the said school, shall appoint and may remove the teachers; shall fix their salaries; prescribe the branches of learning to be taught, and the text books to be used; the time the school will be kept open; the ages and qualifications of the scholars to be admitted; admit scholars from non-contributing townships on such terms of tuition as they deem proper; expel or suspend scholars when necessary; ascertain and certify the expenses of the school, of which they shall cause exact accounts to be kept; and prescribe all needful regulations respecting the school, subject, nevertheless, to any regulations respecting the same that may be prescribed pursuant to the preceding section. They shall annually report to the superintendent of free schools for the county in which the school house is situated, such particulars respecting the school and at such time of the year as the general superintendent of free schools may require; and the county superintendent shall transmit the report, with such remarks and additional information as he deems proper, to the general superintendent.

Powers of directors.

Their annual report.

Teachers—Their examination—Certificates—Official oaths.

30. No teacher shall be employed to teach in any public school of this State until he shall have presented to the trustees, directors or board having charge of such school, a certificate in duplicate of his qualification to teach a school of the grade for which he applies, the duplicate of which shall be filed with the secretary of the board of education of the township in which the school is situated; and no salary shall be paid to any teacher unless such duplicate be filed as aforesaid. Upon the receipt of one dollar, to be paid *pro rata* into the school fund of the several townships, the county superintendent shall examine all candidates for the profession of teacher as to their competency to teach orthography, reading, writing, arithmetic, English grammar and geography, if the application be for a primary school; and if the application be for a high school he shall examine the applicant as to his competency to teach the additional branches required for such school, and if satisfied of the competency and capacity of the applicant to teach and govern such school, and that he or she is of good moral character, he shall give a certificate in duplicate accordingly. The county superintendent shall keep a register of all certificates awarded by him, stating the character and grade of certificate and the time when issued. No certificate issued by a county superintendent shall be of force except in the county in which it was issued, nor for a longer period than one year; and the county superintendent may, with the consent of the trustees, directors, or board having charge of the school in which he may be teaching, revoke the certificate of any teacher within the county for any cause which would have justified the withholding thereof when the same was granted, by giving ten days' notice to the teacher of his intention to revoke

Teacher's certificate.

Examination.

Register of certificates.

Effect of certificate.

Public examinations. such certificate. The county superintendent may, at stated periods, hold public examinations, at which all the teachers of the county may be required to attend.

Regulation of examinations. 31. The following regulations shall be observed by county superintendents in regard to examinations and granting of teachers' certificates: *First*, no applicant shall be admitted to an examination unless the county superintendent shall have reasonable evidence that he or she is of good moral character and temperate habits and loyal to the government of the United States and the government of the State of West Virginia. *Second*, no college diploma or certificate or recommendation from the president or faculty of any college or academy shall be taken to supersede the necessity of examination by the county superintendent, nor shall a certificate be granted to an applicant except after careful examination upon each branch of study and upon the art of teaching. *Third*, county superintendents shall grade the certificates granted according to the following scheme, numbering them according to the merit of the applicant from one to five: Number three shall be assumed as the medium between a very good and an indifferent teacher, so that the scheme will stand thus: Number one, a very good teacher, one accomplished in every respect; number two, a good teacher; number three, medium; number four, below medium; number five, indifferent. A number five certificate shall never be granted to any teacher more than once. If, upon a second examination the applicant is not found entitled to a higher grade, no certificate shall be granted. A number four certificate shall not be granted more than twice in succession to the same applicant. If, at the third examination, the applicant is not found entitled to a higher grade, no certificate shall be granted. When any teacher has received three number one certificates, he shall be entitled to receive from the county superintendent a recommendation to the general superintendent of free schools for examination, and if found worthy, the general superintendent shall grant him a professional certificate in proper form, engraved upon parchment, authenticated by the seal of his office and attested by his signature thereto; by which certificate the bearer shall be legally admitted to the profession of teacher within the State of West Virginia, which certificate shall be valid throughout the State and during the life of the bearer thereof; provided, that the general superintendent may revoke such professional certificate for immorality, intemperance or disloyalty, when clearly proven. For every professional certificate a fee of five dollars shall be paid into the distributable school fund.

Grade of certificates.

Professional certificate.

Teacher's oaths. 32. Every teacher shall, before entering on his duties, take the oaths required of all officers of this State, which oaths the county superintendent may administer. Such oath shall be filed with the secretary of the board of education of the township.

Teacher's Register.

What to be entered in register. 33. Every teacher shall keep a register in which shall be entered the date of the commencement and termination of every term of the

school; the name and age of every scholar who attended the school during such term; the daily attendance, distinguishing between males and females; the branches taught, and the number of scholars engaged on the last day of each month in the study of each branch; and such other particulars as are necessary to enable the trustees, board of education or directors to make the reports required by them. The general superintendent of free schools for the State may prescribe such forms and regulations respecting the registers to be kept by teachers as shall seem to him necessary. At the close of each term the register therefor shall be filed in the office of the secretary of the board of education for the township; and unless such register be properly kept and filed, the teacher shall not be entitled to demand payment of his salary.

Form of register.

Register to be filed.

Holidays.

34. In contracts with teachers, it shall be understood that the school is not to be kept in operation for ordinary instruction on the first day of January, Fourth of July or twenty-fifth day of December, nor any National or State festival or fast day; but the month or time mentioned in such contract shall nevertheless be computed as if the said days were included. The school month shall consist of twenty-two days excluding Saturdays.

School month.

General duties of teachers and school officers.

35. All teachers employed in the public schools shall read or cause to be read at least one chapter from the Bible, in a language understood by the scholars, every day at the opening of the school; inculcate the duties of piety, morality and respect for the laws and government of their country; and all teachers, boards of education and other school officers, are hereby charged with the duty of providing that moral training for the youth of this State which will contribute to securing good behavior, and to furnishing the State with exemplary citizens.

Reading of Bible.

School houses, furniture, &c.—Exemption from levy—Enforcement of claims.

36. The board of education of every township with the county superintendent shall as soon as possible examine the school houses and school house sites in the township, heretofore appropriated to the use of public schools, and such as in their judgment are properly located, and are sufficient or can at reasonable expense be rendered so, shall be retained for the use of public schools, and the remainder be sold at public sale or otherwise and on such terms of sale as the board may order, and the proceeds added to the building fund.

Examination and disposition of school property.

37. The board of education of every township shall provide by purchase, condemnation, leasing, building or otherwise, suitable school houses and grounds in their township in such locations as will best accommodate the inhabitants thereof; and improve such grounds and provide such furniture, fixtures and appendages for the said school houses, as the comfort, health and convenience of the scholars may

School houses.

require; and keep such grounds, school houses, furniture, fixtures and appendages in good order and repair.

Plans of school houses.

38. No school house shall be erected, unless the plan thereof shall have been submitted to the county superintendent and approved by him; and it is hereby made his duty to acquaint himself with the principles of school house architecture and in all his plans for such structures to have regard to economy, convenience and durability of structure. In order to aid the county superintendents in this branch of their duties, the general superintendent of free schools shall furnish, at the expense of the school fund of the State, the office of each county superintendent with one copy of "Barnard's School House Architecture," or such other standard work upon the subject as he may prefer; such work to be kept in the office of the county superintendent for reference, and delivered by him to his successor.

School house architecture.

Condemnation of land.

39. When land has been designated by the board of education of any township, as a suitable location for a school house and the necessary buildings, or for enlarging a school house lot, if the owner or owners refuse to sell the same or demand a price therefor which is deemed by the board unreasonable, or the owner is a feme covert, a minor, *non compos mentis* or non-resident, after ten days notice served upon such owner or owners, or the owner or owners being non-residents thereof, by publication for four weeks in some newspaper published in the county, or if there be no newspaper published in the county, by posting the same for four weeks at the front door of the court house and five other public places in the county, at least two of which shall be in the township and one in the district in which such property is located, the board may petition the circuit court of their county to have such lot of ground condemned for the use of public schools, and the court shall thereupon appoint a jury of viewers to consist of five freeholders, persons not resident in the district within which such land is located, who being duly sworn or affirmed faithfully and impartially to try all matters submitted to them, shall assess the value of such land, and upon due return being made of such assessment, and the amount thereof being paid or tendered to the owner or owners of the land in question, or disposed of as the court may direct, the said board may enter thereon and use such land for school house purposes, and the decree of the court approving or modifying the report of the viewers, shall be recorded by the board of education in the deed books of the county, in the recorder's office; provided that no land shall be taken which shall exceed in quantity one acre.

School house property exempt from legal process.

40. All school houses, school house sites, and other property belonging to any board of education and used for school purposes, shall be exempt from execution or other process, and from lien or distress for taxes or county levies; but when any order of the board upon the township treasury, or judgment or decree for a sum of money against the said board, has been presented at the township treasury without obtaining payment, or the township treasurer has evaded or

hindered such presentation, payment thereof may be enforced by mandamus or order for a specific levy on the property taxable in the township.

Building fund—Annual levy for same—Loans.

41. To enable the board of education of any township to provide school houses and grounds, furniture, fixtures and appendages, and keep the same in good order and repair, pursuant to the thirty-seventh section, and to pay the principal and interest of any loans made pursuant to the forty-third section they may annually levy a tax on the property taxable in their township, not to exceed in any one year the rate of fifty cents on every hundred dollars valuation thereof, according to the latest assessment of the same for State and county taxation.

Annual levy for building purposes.

42. The proceeds of the taxes so levied, of school houses and sites sold, of all donations, devises and bequests applicable to any of the purposes mentioned in the preceding section, and of any loans that may be made for such purposes, shall constitute a special fund to be called *the building fund*, to be appropriated exclusively to the said purposes.

Building fund.

43. The board of education of any township may borrow money on the credit of the building fund for any of the purposes mentioned in the thirty-seventh section; but such loans shall at no time amount in the aggregate to more than can be paid by a levy at the rate of fifty cents per hundred dollars per year for five successive years on the assessed valuation of the property taxable in the township. If any loan be made in contravention of this provision, such loan shall nevertheless be valid.

Board of education may borrow money.

Annual levy for support of primary schools.

44. For the support of the primary free schools of their township, including all expenses thereof not chargeable to the building fund, the board of education shall annually, as soon as possible after the apportionment of the State fund, levy such tax on the property taxable in the township, as will, with the money received from the State for the support of free schools, be sufficient to keep such schools in operation for at least four months in the year; provided the said tax in any year shall not exceed the rate of fifty cents on every hundred dollars valuation according to the latest available assessment made for state and county taxation.

Annual levy.

Proviso.

45. After the expiration of the year eighteen hundred and sixty-seven, no township shall receive any share of the distributable State fund for free schools, in any year in which the levy required by the preceding section has not been made in such township.

Condition on which share of school fund received.

46. When any levy for primary schools, high schools or building purposes has been made, the secretary of the board of education shall certify a copy of the order making such levy to the assessor of the county, whose duty it shall be to make out and furnish to the said

Duty of secretary of board and of the assessor.

secretary, on or before the first day of July, a full and perfect list of all property taxable in said township, with the valuation thereof, including in such list every tract of land the greater part whereof lies in said township, and shall extend the said tax so as to show, in separate columns, the amount due by each person, which list shall be transmitted by the secretary to the treasurer of his township as his guide for the collection of said tax, which he shall collect and account for as hereinafter provided. The said secretary shall, in a book kept for the purpose, charge the treasurer to whom such list is delivered with the amount of taxes assessed thereon, and shall, from time to time, credit him with all orders drawn on him by said board, and his compensation for collecting and disbursing the same, and any delinquent list which may be allowed by the said board.

Duty of township treasurer.

47. The township treasurer shall collect all levies for school purposes made in his township. Immediately on receiving the assessor's list, he shall post notices in five prominent places in his township, stating that he will, thirty days thereafter, at the specified times and places, receive the aforesaid taxes. On all sums remaining unpaid, after the last time named in the notices, he shall add five per cent. For good reason, the board of education may provide such other means of collection as they may deem expedient, and extend the time thereof.

Township treasurer; his bond,

commission,

settlements

and discharge.

Failure in duty.

48. The township treasurer shall be treasurer of all school money for his township. He shall give bond in such amount as the board of education may require. He shall be allowed five per cent commission for collecting all township school levies, and one per cent for all disbursements. He shall, on or before the first Monday of September, December, March and June, settle with the board of education and account to them for all the money received, from whom and on what account, and the amount paid out for school purposes in his township. The board shall examine all vouchers for such payments, and, if correct, shall give him a certificate of the same, which certificate shall be a discharge of such treasurer; and at the expiration of his term of service, said treasurer shall deliver over to his successor in office all books and papers, with all money or other property in his hands belonging to said township for schools therein. If he fail to account for and pay over, as required by law, any money which has come to his hands, or for which he is liable by virtue of his office, judgment may be recovered therefor with interest and ten per cent. damages.

Accounts to be kept by treasurer.

49. The township treasurer shall keep two accounts with the board of education in his township; one of money belonging to the "Building Fund" and the other of money belonging to the "School Fund," and shall credit every receipt and charge every disbursement, according to the truth, to the proper account.

How money to be paid out.

50. He shall pay out no money standing to the credit of the board of education, except upon an order signed by the secretary and

president, specifying the sum paid, and the fund to which it is to be charged, and payable to order and properly endorsed; or upon a certified copy of a judgment or decree against the said board for a sum of money therein specified.

Election of county superintendent.

51. A county superintendent shall be elected by the qualified voters thereof on the fourth Thursday in October, eighteen hundred and sixty-seven, and in every second year thereafter, whose term of office shall commence on the first day of January next succeeding his election, and continue for two years, and until his successor shall be elected and qualified according to law. He shall be a person of good moral character, of literary acquirements, and skill and experience in the art of teaching, and who has been always loyal to the government of the United States and of this State. His salary shall not be less than fifty nor more than five hundred dollars per annum, to be fixed by the board of supervisors, and the clerk of said board shall report the same officially to the general superintendent of free schools, who shall pay the same by his warrant drawn upon the auditor in half-yearly instalments if desired. The same shall be paid out of the state fund, but the amount thereof shall be deducted by the auditor from the amount next to be distributed to such county. He shall, before entering upon the duties of his office, execute a bond, conditioned according to law, before the recorder of his county, in the sum of five hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any township board of education, for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bonds shall be filed in the office of the recorder, who shall, within five days, certify to the general superintendent of free schools the name of said county superintendent and his post-office address; provided, that county superintendents elected under the provisions of former acts shall continue in office until their successors shall have been elected and qualified under this act, and their respective salaries shall be determined by the board of supervisors, who shall certify the same to the auditor for payment of the same out of the state school fund; provided, that his salary shall not be less than fifty nor more than five hundred dollars, and shall be in consideration of services as justice may require. Vacancies in the said office shall be filled by the board of supervisors for the unexpired term.

Election.

Term of office.

Qualifications.

Salary.

Bond.

Former superintendents.

Vacancies.

52. The county superintendent shall visit all the schools within his county at least once every six months, and note the course and method of instruction and the branches taught, and give such directions in the art of teaching and the method thereof, in each school, as to him shall seem necessary and expedient, so that uniformity in the course of studies and methods of instruction employed shall be secured as far as practicable in the schools of the several grades respectively. He shall acquaint himself, so far as practicable, with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school, the classifica-

County superintendents to visit schools.

His duty on such visits.

tion of its scholars or the method of instruction employed in the several branches, and shall make such suggestions, in private, to the teachers, as to him shall appear to be necessary to the good order of the school and the progress of the scholars. He shall note the character and condition of the school houses, the sufficiency or insufficiency of their furniture and fixtures, and shall make such suggestions to the several township boards of education as in his opinion shall seem conducive to the comfort and progress of the scholars in the several schools.

County associations.

Teachers' institutes.

Further duties of county superintendents.

53. It shall be the duty of the county superintendent to aid the teachers in all proper efforts to improve themselves in their profession. For this purpose he shall encourage the formation of county associations of teachers for mutual improvement; shall attend the meetings of such associations whenever practicable, and give such advice and instruction in regard to the conduct and management as in his judgment will contribute to their greater efficiency. In connection with the superintendents of adjoining counties, each county superintendent shall encourage the formation of teacher's institutes; shall attend and participate in the exercise of the same as far as practicable; and shall use all proper means to improve the efficiency of the teachers and to elevate their profession. He shall at all times conform to the instructions of the general superintendent of free schools, as to all matters within the jurisdiction of the said superintendent, and shall serve as the organ of communication between him and the several township boards of education. He shall distribute from his office all blanks, circulars, copies of school laws, and other communications from the general superintendent, to the several boards and persons entitled to receive the same.

Additional report of county superintendent.

54. In addition to the report mentioned in the twenty-fourth section, it shall be the duty of the county superintendent to make out and transmit to the general superintendent of free schools a detailed report of the condition and character of the schools within his county; noting all deficiencies and suggesting their remedies, with such remarks upon the operation of the school laws as his experience and observation may suggest, pointing out wherein he considers them as deficient, and what amendments are required to render them efficient. He shall also report such townships in which the boards of education have failed to make return of the enumeration of youth as required in the twenty-first section of this act, and also those townships that have failed to make the levy authorized in section forty-four.

School officers not to act as agents for booksellers, &c.

55. No school officer or teacher of any free school shall act as agent for any author, publisher, bookseller or other person, to introduce or recommend the use of any book, apparatus, furniture or other article whatever, in the free schools of this State, or any one or more of them, or directly or indirectly contract for or receive any gift or reward for so introducing or recommending the same. But the gen-

eral superintendent of free schools shall prescribe a series of class books to be used in the free schools throughout the State, except as hereinbefore provided.

Series of class books.

Fine for violating any provision of this act.

56. If any officer fail to perform any duty required of him by this act, or violate any provision thereof, and there is no other fine or punishment imposed therefor by law, he shall forfeit ten dollars for every such offense, and such forfeiture shall not impair or affect his liability for damages to any person injured, nor the liability of himself and sureties on his official bond.

Penalty for violation of act by any officer.

57. If the board of supervisors of any county, the board of education of any township or trustees of any school district fail to perform any duty required by this act, each member of such board, and every such trustee, shall be liable to the full penalty imposed by the preceding section, unless he show that he was not guilty of any neglect or default in the premises.

Penalty for violation of act by any board.

State school fund—How invested.

58. All such sums as have accrued, or shall hereafter accrue to this State from the several sources enumerated in the first section of the tenth article of the constitution shall be set apart as a separate fund to be called *the school fund*, and it shall be the duty of the auditor to ascertain from time to time what sums have so accrued or may hereafter so accrue, and pass the same to the credit of the said fund; and the State is hereby pledged to pay interest at the rate of six per cent per annum on all sums so credited, which interest shall be payable on the first day of September annually.

How fund constituted.

Duty of auditor.

Annual distribution by the State for the support of free schools.

59. There shall be distributed on the first day of April annually, to the several counties in the State in proportion to the number of youth therein, according to the latest enumeration made for school purposes, the interest payable by the State, as provided in the preceding section, together with the net proceeds of all forfeitures, confiscations and fines which accrued to the State during the previous school year, and the proceeds of the annual capitation tax and of the State tax on real and personal property for the support of free schools, after deducting from the aggregate the salary of the general superintendent of free schools for the State, and the necessary traveling and contingent expenses of his office. But in ascertaining the number of youth in any county for the purpose of making such distribution, those townships only of such county shall be included, in which the enumeration of youth has been made as provided for in the twenty-first section of this act.

What distributed.

How number of youth ascertained.

60. It shall be the duty of the auditor, on or before the first day of April in every year to ascertain the amount which is distributable among the several counties as aforesaid, and notify the general superintendent of free schools thereof; and the general superintendent

Auditor to ascertain amount distributable.

Duties of school officers in distribution of fund.

shall thereupon ascertain the proper share of each county and notify each county superintendent, who shall apportion the same to each township in his county according to the number of youth, and draw his requisition upon the auditor in favor of the several township treasurers of each county for the share which each township is entitled to receive, specifying the amount thereof and the name of each township treasurer in the said requisition, and shall immediately notify the clerk of the board of education, who, after deducting the commission of the township treasurer, shall apportion the same and all other funds for school purposes belonging to the township, among the school districts according to the number of youth, and notify the trustees of each district and the township treasurer of the amount thus apportioned.

Of the general superintendent of free schools.

Term of office.

61. There shall be elected by joint vote of the two branches of the legislature, a general superintendent of free schools for the State, whose term of office shall be the same as that of the governor. When

Vacancy.

there is a vacancy, the governor shall fill the same by appointment for the unexpired term. He shall receive annually the sum of one

Salary.

thousand five hundred dollars in payment for his services, to be paid quarterly out of the school fund upon warrant of the auditor.

Duties of general superintendent.

62. The general superintendent shall keep his office at the seat of government. He shall provide a seal for his office; and copies of his acts and decisions and of papers kept in his office, authenticated by his signature and official seal, shall be evidence equally with the originals. He shall sign all requisitions on the auditor for the payment of money out of the State treasury for school purposes except as hereinbefore provided.

Same.

63. The general superintendent shall be charged with the supervision of all county superintendents and free schools of the State, and shall see that the school system is, as early as practicable, carried into effect. He shall prescribe and cause to be prepared all forms and blanks necessary in the details of the system, so as to secure its uniform operation throughout the State, and shall cause the same to be forwarded to the several county superintendents, to be by them distributed to the several persons entitled to receive the same. He shall cause as many copies of this act and other school laws in force, with such forms, regulations and instructions as he may judge expedient thereto annexed, to be from time to time published as he may deem expedient, and shall cause the same to be forwarded to the county superintendents, to be by them distributed to the persons entitled to receive them.

Conventions of county superintendents.

64. He shall, at the time and place appointed by him, convene the county superintendents within each judicial circuit of the State once in each year, for the purpose of conference upon the interests of education within their several jurisdictions, and giving such instructions

and making such suggestions in regard to the discharge of their several duties as to him may seem expedient and as the interests of education may require.

65. It shall be the duty of the general superintendent to aim at perfecting the system of free schools as established in this State, and for this purpose it shall be his duty to correspond with educators and school officers abroad, to acquaint himself with the various systems of free schools established in other States and countries, to collate their results as exhibited in the reports of their several superintendents and to use all efforts necessary to enable him to render available to the purposes of the legislature the combined results of experience of other communities, with his own experience and observation. He shall acquaint himself intimately with the peculiar educational wants of each section of the State, and shall take all proper means to supply them, so that the schools shall be as nearly as possible equal and uniform in grade throughout the State. He shall acquaint himself with the different systems and methods of instruction which may be introduced among educators, and shall explain and recommend such as experience and sound principles of education may have demonstrated to be valuable, and it shall be his duty to endeavor to render available to the people of this State all such improvements in the system of free schools and in the method of instruction as may have been tested and proved by the experience of other communities.

Further duties of general superintendent.

66. He shall, at each session of the legislature, make a report to the same in regard to the condition of free schools within the State, embracing all statistics compiled from the reports of the county superintendents, and such other authentic information as he can procure, which will be necessary to give proper exhibition of the working of the system, together with such plans as he may have matured for the management and improvement of the school fund, and for the better and more perfect organization and efficiency of free schools; and likewise all such matters in relation to his office and to free schools as he may deem expedient to communicate.

Annual report of general superintendent.

67. The auditor shall annually before the first day of November deliver to the governor, and to the general superintendent of free schools, each a report made up to the first day of September next preceding, of the condition of the school fund, with an abstract of the accounts thereof in his office, which report the general superintendent shall lay before the legislature in his next annual report to that body.

Auditor to report condition of school fund.

68. The governor, auditor, treasurer, secretary of the State and the general superintendent of free schools, shall be a corporation under the name of "The board of the school fund," and shall have the management, control and investment of said fund, under the first section of the tenth article of the constitution.

Board of the school fund.

69. The governor shall be the president of the board, and in his absence the board may choose one of their number to officiate tem-

Its organization and proceedings.

porarily in his place. The auditor shall be the secretary of the board. A faithful record shall be kept of all their proceedings and a copy thereof certified by the secretary of the board, shall be evidence in all cases in which the original would be.

Meetings of the board.

70. A meeting of the board may be held at any time upon the call of any member thereof, provided notice be given to all the members who may be at the seat of government. The auditor's office shall be the place of meeting, and the proceedings shall be signed by the president of the meeting for that day and shall be open to inspection at all times.

Actions for money due school fund.

71. All money which ought to be paid into the treasury to the credit of the school fund shall be recoverable with interest, by action or motion, in any court having jurisdiction; and the auditor shall institute and prosecute said action or motion when thereto directed by the board.

Agents of board.

72. The board may appoint agents for the collection of debts or claims, and authorize them to secure payment thereof and protect the interests of the school fund on such terms as it may approve. They shall take bond from said agent, if any money is to come into his hands, and any agent selling lands when directed to do so by the board shall execute a deed (with the resolution giving such directions thereto annexed,) conveying to the purchaser by special warranty. Said agent may be allowed by the board a compensation not exceeding in any case five per cent on the money actually paid into the treasury.

Compensation.

Investment of school fund.

73. The board shall from time to time invest all the uninvested capital and interest of the school fund in interest bearing securities of the United States or this State as provided for in the constitution.

Powers of auditor as accountant of board.

74. The auditor shall be the accountant of the board, exercising any of their powers, except that he shall not without special authority entered upon the records of their proceedings, dispose of any property or invest any money of the school fund. He shall place the securities in which said school fund is invested, in such depository for safe keeping as the board shall direct.

How money received and paid out.

75. All money belonging to the school fund shall be received into and paid out of the treasury upon the warrant of the auditor. But no warrant for paying out such money shall be issued without the authority of the board.

City of Wheeling.

Law not to affect Wheeling, Barboursville, Moundsville or Clarksburg.

76. Nothing contained in this chapter shall alter or affect the laws now in force respecting the free schools in the city of Wheeling, and the parts of townships connected therewith, or in the village of Barboursville in the county of Cabell, the town of Moundsville in the county of Marshall, or the town of Clarksburg in the county of Harrison.

CHAPTER 99.—An ACT suspending the payment of taxes in Greenbrier County for 1865.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

The sheriff of the county of Greenbrier is allowed until the first day of December, eighteen hundred and sixty-seven, to collect and pay into the treasury the State and school taxes of said county for the year eighteen hundred and sixty-five; but such extension of time shall not impair the liability of the said sheriff and his securities for the payment of the taxes in case of any default of the said sheriff in the collection or payment thereof, but said sheriff and his securities shall remain liable to the payment of said taxes in the same manner and to the same extent as if this act had not been passed.

Extension of time allowed sheriff for collection.

Proviso.

CHAPTER 100.—An ACT transferring to the county of Cabell that portion of the James River and Kanawha Turnpike lying within said county.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

1. That all the right, title and interest of this State in and to the James River and Kanawha Turnpike, together with the bridges and other property belonging or appertaining thereto, situate in the county of Cabell, be and the same is hereby transferred to the said county of Cabell; and it shall be the duty of the board of supervisors of said county to take charge of said turnpike and cause the same to be put and kept in repair, in the same manner as other county roads, or in the manner hereinafter provided.

Transfer of road.

Board of supervisors to take charge thereof.

2. The said board may, in their discretion, erect and keep on said turnpike, within the said county, one or more toll-gates, (not exceeding three,) and may charge such reasonable tolls thereat as they may from time to time prescribe; provided, that it shall at all times be in the power of the legislature or the board of public works to change or alter the rate of tolls so prescribed, as the public interest may require.

Toll-gates and tolls.

Proviso.

3. If at any time the board of supervisors of the said county of Cabell shall be of opinion that the interest of said county will be promoted thereby, they may contract with any person or persons to keep the said turnpike or any part thereof within the said county in repair, in consideration of the tolls receivable at the gate or gates erected or to be erected thereon. In such case they shall take from such person or persons his or their bond, payable to themselves, in such penalty as they may determine, for the faithful performance of such contract; and in case of the failure of any such contractor to comply with the conditions of his bond may maintain an action thereon for the damages occasioned by such failure.

Road may be let out on contract.

Bond of contractor.

CHAPTER 101.—An ACT to authorize the Mayor and Council of the city of Parkersburg to borrow money for the purpose of erecting Water Works.

Passed February 27, 1867.

Preamble.

WHEREAS, the proper authorities of the city of Parkersburg did on the _____ day of December, eighteen hundred and sixty-six, resolve to take the sense of the qualified voters of said city, at its next annual election, as to whether they should issue bonds and sell the same for the purpose of procuring money to erect water works in said city, and did cause notice of the same to be published in two daily papers published in said city, from the twenty-eighth day of December, eighteen hundred and sixty-six, to the twelfth day of January, eighteen hundred and sixty-seven, that being the day fixed by law for the annual election of officers of said city, and on the said election day the voters were also notified by the officers conducting the election, that they could vote "for or against water works," and at the close of the election it was ascertained and so certified by the said officers conducting said election, that more than three-fourths of the votes cast on that subject were "for water works," therefore,

Be it enacted by the Legislature of West Virginia :

City may issue bonds

1. That the city of Parkersburg, in its corporate capacity, be and is hereby authorized, by its mayor and city council, under the corporate seal of said council, to issue bonds in such amounts as they may think proper, not exceeding the sum of one hundred and twenty thousand dollars, at any rate of interest not exceeding nine per cent, which said bonds shall have coupons attached for the payment of said interest semi-annually, at such places as may be expressed on the face thereof; and the principal thereof to be paid within thirty years from the date of issue or at an earlier date, as may be contracted for on the face of said bonds, which bonds when issued, or the proceeds of the sale thereof, shall be exclusively appropriated (or so much as is necessary for that purpose) for the erection of said water works, with necessary appendages, and for no other purpose whatsoever.

for erection of water works.

When such erection may be commenced.

2. And when fifty thousand dollars of said bonds shall have been sold and the money actually paid into the city treasury, then the city council shall be empowered to commence the erection of water works for the said city of Parkersburg, and shall complete the same as soon as practicable. And the interest accruing on said bonds shall be a lien on said water works to the exclusion of all other debts or liabilities, except for labor performed in erecting said works. Provided, that no bonds issued under authority of this act shall be sold for less than ninety-three cents on the dollar.

Lien on water works.

Sale of bonds.

CHAPTER 102.—An ACT providing how the General School Fund shall be apportioned in Kanawha and other counties, in the year 1867.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

1. The auditor, in the next apportionment of the general school fund, shall apportion to the county of Kanawha, in addition to the quota of the county this year, such portion thereof as said county would have been entitled to receive, in addition to the portion received in the year eighteen hundred and sixty-five, had all the townships of the said county then made full returns of the number of school children according to law. Such apportionment shall be made upon the enrollment of eighteen hundred and sixty-five. And he shall apportion to the counties of Braxton, Fayette, Jefferson, and all other counties that have paid or shall hereafter pay the taxes assessed in the year eighteen hundred and sixty-five, in addition to their share of such fund this year, such portion thereof as they would have been entitled to receive in the year eighteen hundred and sixty-six had they made full returns of the number of youths under the law in said counties respectively. Such apportionment shall be made upon the enrollment of the year eighteen hundred and sixty-six.

Duty of auditor.

How apportionment to be made.

2. The superintendent of Kanawha county is hereby required to apportion to such townships of said county as did not receive their quota of the school funds apportioned in the year eighteen hundred and sixty-five, in addition to their share of the school fund of this year, such portion of said fund as they would have been entitled to receive had they made return according to law. Such apportionment shall be made to the districts of said township, on the basis of the enrollment of the year eighteen hundred and sixty-six. The county superintendents of the other counties named in the preceding section shall distribute among the respective townships of the several counties the money hereby directed to be apportioned, according to the provisions of section forty, chapter seventy-four, acts of eighteen hundred and sixty-six.

Duties of county superintendents.

CHAPTER 103.—An ACT for the relief of the Board of Education of Grant Township, in the County of Harrison.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

The people of Grant township, in the county of Harrison, are hereby authorized to levy a tax on the taxable property of said township, sufficient to re-imburse the building fund thereof in the sum of three hundred and ninety dollars, expended without authority of law by the board of education of said township for the support of free schools therein.

Levy authorized.

CHAPTER 104.—An ACT to permit the Elk Hill Gas Coal Company to borrow money.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

It shall be lawful for the Elk Hill Gas Coal Company, a corporation organized under the laws of the State of New York, to borrow any sum or sums of money, not exceeding one hundred thousand dollars, and at a rate of interest not exceeding eight per cent, and to give security therefor on any of the real estate of said company situated within this State.

CHAPTER 105.—An ACT for the relief of Edith Martin, Executrix of James Martin.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

Auditor's warrant for \$45,64.

The auditor is hereby directed to issue his warrant for forty-five dollars and sixty-four cents, in favor of Edith Martin, executrix of James Martin, deceased, being the amount of tax paid by her on an improper assessment of lands in Ritchie county for the years eighteen hundred and sixty-three, eighteen hundred and sixty-four, eighteen hundred and sixty-five, and eighteen hundred and sixty-six.

CHAPTER 106.—An ACT to incorporate the Fishing Creek Lumber and Boom Company.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

Corporators.

That William B. Caswell, Samuel Robinson, John Morgan, Philip D. Gambrill and M. P. Amis, and such persons as may be hereafter associated with them, be and are hereby incorporated into a body politic and corporate, under the above title, for the improvement of the navigation of Fishing creek ; and the said corporation shall have the same privileges and be governed by the same restrictions as are provided in the charter of the North Branch Lumber and Boom Company, passed February fourth, eighteen hundred and sixty-seven.

Powers of corporation.

CHAPTER 107.—An ACT declaring Spring Creek, in the counties of Roane and Wirt, a public highway.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

Declared public highway.

1. That Spring creek, from its mouth, in the county of Wirt, to Spencer, in the county of Roane, be and the same is hereby declared a public highway for the transportation of logs, lumber and flat boats.

Obstructions unlawful.

2. It shall be unlawful to obstruct said navigation by the erection of mill-dams, or otherwise.

3. All mill dams which are now established, or that may hereafter be established, shall be sloped by the owners thereof, of the same width, and of the length proportioned to their height, as that now built to the first dam on said creek above its mouth.

How mill-dams
to be sloped.

CHAPTER 108.—An ACT for the relief of Braxton county.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

1. The auditor of public accounts is directed to issue his warrant upon the treasurer for one thousand dollars, in favor of the treasurer of Braxton county, whose receipt shall be the auditor's voucher; which amount was paid into the treasury by Francis C. Boggs, late sheriff of said county, as taxes collected upon the assessment made in the year eighteen hundred and sixty-one, which assessment has never been returned to the auditor's office, and under the provisions of chapter sixty-six of the Acts of eighteen hundred and sixty-six such taxes are released in said county.

Auditor's war-
rant for \$1,000.

2. The said sum of one thousand dollars, and all additional money collected by the said Francis C. Boggs for that year, shall be subject to the order of the board of supervisors of said county, and shall be collected and refunded to the parties holding tax receipts for the year eighteen hundred and sixty-one.

Taxes to be re-
funded.

CHAPTER 109.—An ACT to provide for the improvement of the navigation of the Great Kanawha River.

Passed February 27, 1867.

WHEREAS, the Virginia Canal Company has failed to comply with the provisions of its original charter, granted by the State of Virginia, on the twenty-ninth day of March, eighteen hundred and sixty-one, and also failed to comply with the provisions of an act of the general assembly of Virginia, passed third February, eighteen hundred and sixty-six, which was intended to re-enact and amend said charter, and which last mentioned act was approved by this legislature, on the twentieth day of February, eighteen hundred and sixty-six; this legislature, by virtue of the powers reserved to it by the three before recited acts, doth hereby announce and declare, that by reason of the failure aforesaid, all rights, interests and franchises of the said Virginia Canal Company within the jurisdiction of this State have forever ceased and terminated as fully and effectually as if neither of the aforesaid acts had ever been passed.

Preamble.

Failure of Vir-
ginia Canal
Company to
comply with its
charter.

And, whereas, the general assembly of the State of Virginia having, by the thirteenth section of an act passed twenty-third March, eighteen hundred and sixty, entitled "An act to amend the charter of the James River and Kanawha Company," declared "that, in case the said James River and Kanawha Company shall not complete the canal to Covington, or the western terminus of the Virginia Central Railroad, with-

Property of Vir-
ginia Canal
Company vested
in State of West
Virginia.

in six years from the passage of this act," "all the property, rights, franchises and privileges of every kind and description of the said company shall be transferred to and become the property of the State;" and the said James River and Kanawha Company having accepted the provisions of said act, and having failed to complete the canal to Covington or the western terminus of the Virginia Central Railroad, within six years from the twenty-third March, eighteen hundred and sixty, so much of the property, rights, franchises and privileges of said company as are situated within the limits of this State became and were vested in the State of West Virginia, by virtue of the said thirteenth section of the act aforesaid, and by virtue of the act passed third of February, eighteen hundred and sixty-three, by the general assembly of Virginia, which transfers to the State of West Virginia all the property which the State of Virginia owned within the limits of this State:

This legislature doth therefore declare and announce that the Kanawha river is now the property of this State, free from all claims, incumbrances or control of any party, state or corporation whatever. Therefore,

Be it enacted by the Legislature of West Virginia :

Commissioners
to open books of
subscription.

1. Daniel Polsley, John Hall, Charles Waggener, James H. Couch, and Charles C. Miller, any three of whom are hereby authorized to act, are empowered to open books of subscription at the town of Point Pleasant; and John Slack, Junior, Lewis Ruffner, Clement Smith, Benjamin H. Smith, John Williams, H. C. Parsons, William H. Edwards, John D. Lewis and William Dickinson, any three of whom are authorized to act, are empowered to open books of subscription at the town of Charleston; and N. Dane Ellingwood, Edmund H. Miller, Henry E. Pierrepont, Abraham Bininger, John P. Crosby, any three of whom are authorized to act, are empowered to open books of subscription in the city of New York; for the purpose of procuring subscriptions of stock to the extent of one million five hundred thousand dollars in shares of one hundred dollars each, to be expended in improving the navigation of the Great Kanawha river.

Incorporation of
company.

2. As soon as one hundred and fifty thousand dollars shall have been *bona fide* subscribed, the subscribers shall become incorporated and be a body politic, by the name of "The Great Kanawha Navigation Company," with a capital of not less than one hundred and fifty thousand, nor more than one million five hundred thousand dollars.

Powers of com-
pany.

3. The company shall have all the powers and be subject to all the restrictions contained in the act passed twenty-sixth October, eighteen hundred and sixty-three, entitled "An act providing for the formation of corporations and regulating the same," and the acts amendatory thereof, so far as applicable, except as hereinafter provided.

State interest
vested in com-
pany.

4. All the right, title, and interest of the State of West Virginia in the Kanawha river are hereby released to and vested in the company, and power and authority are hereby vested in said company to improve

the navigation of said river by sluices, by side-locks and canals, or in such other manner as will furnish at least five feet of navigable water, during the lowest stages of the Kanawha, from its mouth to Loup Creek Shoals, a distance of ninety miles.

5. All dredge and other boats in the possession of the Kanawha board, and pertaining to the improvement of the river, with all other property of every kind thereto pertaining, shall belong to the said company, when organized; but the said company shall pay off and discharge all debts and liabilities incurred for the purchase of the same, including certain mortgage bonds issued by the Kanawha board under authority of the legislature.

Dredge boats to belong to company.

6. The company shall place and keep good buoys and ring bolts wherever needed for the guidance, safety and convenience of navigators.

Buoys and ring-bolts.

7. The company shall have power to appoint receivers of tolls at such points as it may designate.

Receivers of tolls.

8. Until the company shall have completed the improvement of the river, according to the provisions of this act, it shall have power and authority to collect tolls at the following rates for commodities transported on steamboats, flatboats, barges and all other description of water craft, between Charleston and the mouth of the river, and in the same proportion for transportation for less distances. That is to say: On salt, four mills per bushel; on wheat, beans, pears, dried fruit, flax and other seeds, one cent per bushel; on corn, potatoes, apples and corn meal, four mills per bushel; on bacon, three cents per one hundred pounds; on lard, butter, cheese and tallow, four cents per one hundred pounds; on sugar, four cents per one hundred pounds; on coffee, five cents per one hundred pounds; on cordage, four cents per one hundred pounds; on nails, iron and hemp, three cents per one hundred pounds; on flour, three cents per barrel; on cider, vinegar and pickles, six cents per barrel; on pork, beef and molasses, eight cents per barrel; on linseed, lard and refined coal or petroleum oil, ten cents per barrel; on crude petroleum or coal oil, eight cents per barrel; on whisky, rum, brandy, gin and foreign wine, one cent per gallon; on native wine, ten cents per barrel; on ale and beer, five cents per half-barrel, and in same proportion for larger or smaller packages; on salt fish, ten cents per barrel; on manufactured tobacco, five cents per one hundred pounds; on leaf tobacco, three cents per one hundred pounds; on live and slaughtered hogs, five cents each; on dry goods, ten cents per one hundred pounds; on pig iron, twenty cents per ton; on empty barrels, two cents per one hundred; on hoop poles for barrels, three cents per one thousand; on hogshead poles, ten cents per one thousand; on pipe staves, twenty cents per one thousand, on all articles not enumerated, four cents per one hundred pounds; on coal shall be charged tolls at the rate of one and a half mills per ton per mile. And when the company shall have completed any section of ten miles or more of the improvement above Charles-

Collection of tolls.

Rates of toll.

Additional tolls.

ton, it may collect additional tolls thereon and in proportion to the rate authorized to be collected below Charleston, provided always, that the annual expenditures on the river by the company shall at least doubly exceed the annual tolls collected by the company, until the improvement is completed. And when completed, if the foregoing rates of toll shall not produce a net averaged annual revenue of fifteen per centum on the amount expended upon the river, then the company may increase *pro rata*, the said tolls, so as to produce a net averaged annual revenue of fifteen per centum.

How tolls may be reduced.

9. When the company has completed the improvement of the river according to its charter, if at any time it is ascertained that its net annual revenue exceeds an average of fifteen per cent per annum, on the application of any toll payer, the judge of the circuit court of Kanawha county shall appoint three disinterested freeholders, residing within his circuit, who shall revise equitably the tariff of tolls herein provided, so as to produce in their judgment, as near as may be, the net averaged annual income of fifteen per centum on the capital expended. Said commissioners shall make report to the said judge, who shall, on bearing, confirm their said report or recommit until said tariff is by him approved, which shall then be the tariff by which tolls shall be collected.

Property exempt from taxation.

10. The navigation, improvements and property of the company shall be exempt from taxation until the net income arising therefrom shall be six per centum per annum.

Manifests to be filed with receivers.

11. Manifests (under oath, if required) of the cargoes of all boats navigating the Kanawha river, shall be filed with the receiver of tolls, designating the names of the cargoes, of their owners and the masters of the boats or other vessels in which the said cargoes shall be shipped, and of the boats and vessels, together with those of the shippers or other agents having the control or direction of the said cargoes, and the legal tolls shall be demanded and paid to the collector of tolls accordingly; and in all cases of failure to comply with the regulations hereby established and to pay the tolls aforesaid, it shall be the duty of the said receiver to seize and hold the boat or other vessel concerned in the neglect or evasion thereof until the law is fully complied with; and if that be not done within the space of ten days from the time of such seizure, it shall be lawful for the receiver of tolls, after giving five days' previous notice of his intention, by advertisement at the door of the court house of Kanawha county, to sell at public auction for ready money so much of the said cargoes of said boats or vessels as will be sufficient to pay the tolls due, with the addition of fifty per cent thereon and the necessary expenses incurred by the said receiver in seizing, securing and taking care of the said vessel and cargo; and the said boat or vessel, with the remaining cargo, and any balance of money which may remain from the sale aforesaid, shall then be returned to the lawful owners or proprietors thereof, or to their agents. The said company, their

How payment of tolls enforced.

Sale of cargoes for tolls.

receivers or agents, may sue out an attachment before any justice Attachments. against boats and cargoes upon the Kanawha river for tolls due and unpaid by the said boats, their owners, masters or shippers, which attachment shall be prosecuted as in other cases of attachment for debt.

12. The receivers of tolls shall be authorized to board and enter Powers of receivers of tolls. all boats or other vessels in the said river, whether in the stream or at anchor, or at the landings on either shore of the Kanawha river, and to demand and receive the legal tolls on all the commodities contained in the said boats or vessels, whether fully or in part loaded; and in case of failure to pay the said tolls when thus demanded, the boats and vessels and the cargoes thereof shall be liable to seizure, sale and disposition in all respects as prescribed in the foregoing section. And all and every person or persons on board of any boat or other vessel in the said river, and having control of the same, refusing or neglecting to come to when required by the receiver to do so, shall forfeit and pay twenty dollars to the use of the said company, to be recovered before any justice of the peace; and all persons resisting the said receiver in the execution of any powers given to him by law shall be deemed guilty of a misdemeanor and be prosecuted accordingly. Penalty for hindering receiver in his duty.

13. All persons, whether principals or agents, who shall ship off, or authorize to be shipped off, any article subject to the payment of toll, without having first entered the same with the receiver of tolls, as herein prescribed, and having paid the tolls due thereon, shall forfeit and pay three times the amount of the tolls on the articles so shipped off, to be recovered for the use of said company before any justice. Penalty for shipping without payment of tolls.

14. The receivers of tolls are hereby authorized to prosecute, in the name of the company, in the usual forms, for any penalties, forfeitures or punishments authorized and sanctioned by this act. Prosecution for penalties.

15. The company may proceed to condemn any lands which will be overflowed by reason of its improvement, and as many as five acres in any one place for erecting thereon locks, abutments, toll-houses, and other buildings necessary for navigation purposes, and may proceed to take from the adjacent lands any materials necessary for its improvement. But, before overflowing lands or taking land or materials, the said company shall proceed to ascertain the value of the land to be overflowed, and of the land and of the material to be taken, in the method provided in chapter fifty-six of the Code of Virginia, edition of eighteen hundred and sixty, so far as the same is applicable to the circumstances, *mutatis mutandis*. And the duties in said chapter imposed upon the former county courts, shall be done and performed by the circuit court. And no injunction shall be awarded against the company, except when it is plain and manifest that it has violated this charter. Condemnation of lands and taking of materials.

Commencement and perfection of improvement.

16. This company is required to commence, *bona fide*, the improvement of the Kanawha river within six months from the organization of the company, and to perfect the improvement within five years, to such an extent that there shall be at least five feet of water at all seasons of the year from Loup Creek Shoals to the mouth of the river; and in the event of failure, in either respect, the rights and franchises of the company shall cease.

Company to possess Kanawha river.

17. Upon the organization of the company under this charter, it shall have complete possession of the Kanawha river, with full power to manage and control the same, and with full power to collect tolls.

May borrow money and secure its payment

18. The company is hereby authorized to borrow any amount of money not exceeding five hundred thousand dollars, and to issue bonds, with coupons attached, bearing any rate of interest not exceeding ten per centum per annum, and as security for payment of same, to execute a mortgage or mortgages upon its corporate franchises and all its property, real, personal and mixed.

Continuation of water line.

19. This company, after it has completed its improvements to Loup Creek Shoals, is hereby authorized, if it shall so elect, to continue its water line up the valley to New river, and up New river to the State line in the county of Mercer, either by canal sluices or locks and dams, or all or any combined. Should it elect to extend such improvements, it is hereby authorized to increase its capital stock, not exceeding three million dollars, and to borrow any amount of money not exceeding two million dollars in all, as before provided.

Increase of stock

Continuance of charter.

20. This charter shall remain and be in full force for one hundred years from this date.

Company may institute certain proceedings in the name of the State.

21. In the event that the said company should elect, hereafter, to proceed against the Virginia Canal Company or the James River and Kanawha Company by inquisition, inquest or other judicial proceeding, more formally to ascertain the termination of their franchises over the Kanawha river, authority is hereby vested in it to institute such proceedings in the name of this State, and full benefit of such procedure shall inure to the said company, and to the perfecting of its title to the Kanawha river.

May consolidate with another or sell its property.

22. If, hereafter, by authority of the legislatures of Virginia and of West Virginia, any company shall be duly organized to construct a water line from the Ohio river to the waters of Chesapeake Bay, then the company herein authorized may, with its consent, become a part of such enlarged organization, or may sell its works and franchises to such organization upon such terms as may be agreed on. In no event, however, shall it prevent the establishment of such through water line.

Charter amendable.

23. The right is hereby reserved to the legislature to alter or amend this act at pleasure.

CHAPTER 110.—An ACT to amend and re-enact sections 1 and 2 of chapter 47 of the Code of Virginia, second edition.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

1. That sections one and two of chapter forty-seven of the Code of Virginia, second edition, are hereby amended and re-enacted so as to read as follows:

"1. When it is intended to apply to the legislature for the passage of an act to create a new county, or to change any line dividing two or more counties, notice of such intention, if it be to form a new county, shall be published four successive weeks in some weekly newspaper published in the county or counties from which a portion of the new county is to be taken, and if none is published in said county or counties, notice thereof shall be posted at the front door of the court-house of each of the counties out of which the new county is proposed to be formed, and at one or more of the most public places in that part of the territory of each county intended to be embraced in the new county, at least thirty days before the application is made; which notice shall set forth the names of the counties out of which the new county is to be formed, the metes and bounds proposed for the new county and the place at which it is proposed to locate the seat of justice thereof."

Application for new county.

Notice to be published.

Requisites of notice.

"2. When a county line is proposed to be changed, a notice shall be posted at the front door of the court-house of each county whose line is proposed to be changed, for at least thirty days before such application is made."

Notice of proposed change of county line.

2. Sections three, four, five and six of chapter forty-seven of the Code of Virginia, second edition, are hereby repealed.

Law repealed.

CHAPTER 111.—An ACT to authorize the town of Cameron, in Marshall County, to construct and use a building for the confinement of certain prisoners.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

The corporation of the town of Cameron, in Marshall county, may construct within the corporate limits of said town a building of such size and design as may be necessary to securely confine any person or persons who shall be lawfully committed by reason of any violation of the by-laws or ordinances of said town, and use the said building instead of the county jail.

CHAPTER 112.—An ACT in relation to presentments and indictments for statutory misdemeanors.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

On any presentment or indictment for any statutory misdemeanor, for which no infamous or corporal punishment may be inflicted, pro-

Issue of process.

Appearance of accused. cess may issue immediately, returnable forthwith. If the accused appear and plead to the charge, the trial shall proceed without delay.

Non-appearance. If, being summoned, he fail to appear and plead, the court may render judgment, in the same manner as if he had confessed the charge in court, and if the offense be punishable by a fine, not fixed by law, a jury shall be empaneled to assess the same.

CHAPTER 113.—An ACT staying the collection of certain debts.

Passed February 27, 1867.

Preamble.

WHEREAS, by the laws of the State of Virginia the citizens of this State and all others are prohibited for the present from collecting debts therein, therefore,

Be it enacted by the Legislature of West Virginia:

No process on judgment obtained by a Virginian against a West Virginian.

1. No writ of *fiery facias* or other process shall hereafter issue under any judgment or decree heretofore or hereafter rendered by any court or justice in favor of any resident, citizen or fiduciary of the State of Virginia, or in favor of the assignee of any such resident or citizen when the assignment is made either before or after the passage of this act, against a citizen or resident of this State; nor shall there be any sale under a deed of trust executed by any person who is now a citizen of this State before the passage of this act, for the benefit of any such resident or citizen of Virginia, without the consent of all the parties thereto, while this act remains in force; but all judgments heretofore rendered in favor of any such resident or citizen, shall be a lien on all the real and personal property owned by the judgment debtor at the time of the passage of this act, provided the same has been or shall be docketed according to law; and all judgments hereafter rendered in favor of any such resident or citizen shall be a lien on the real and personal property of the judgment debtor from the date of such judgment, if docketed according to law.

Judgment, if docketed, to be a lien.

Return of process already in hands of an officer.

2. Where any such writ or other process has already issued upon any such judgment or decree, the officer in whose hands the same is shall return it to the clerk or justice by whom it was issued, with the following return endorsed thereon: "Stayed by an act of the legislature;" and the property, if any, levied upon by such process shall be restored to the owner; provided, that the lien upon said property acquired by the levy thereon shall not be affected by such return, but the same shall have the same force and effect as if this act had not passed.

Penalty for violation of act by an officer.

3. If any officer in whose hands such execution or other process is, shall fail or refuse to comply with the provisions of this act, he may be compelled to do so by the court or justice in which or by whom the judgment or decree was rendered, or in case the judgment or decree was rendered in the circuit court, by the judge thereof in vacation, upon satisfactory proof that the defendant therein is entitled to

the benefit of this act. But no person who has given voluntary aid to the late rebellion against the United States since the first day of June, eighteen hundred and sixty-one, unless the plaintiff be guilty of the same acts, or who has removed, is removing, or is about to remove his property, or a part thereof, out of this State, with intent to defraud his creditors, or who has assigned or disposed of his property, or a part thereof, or is about to do so with intent to defraud his creditors, shall be entitled to avail himself of the provisions of this act; and where any person applies for the benefit of this act after judgment, he shall give to the plaintiff in the judgment, or to his agent or attorney if found within the county, reasonable notice in writing of the time and place at which he will make such application.

What persons not entitled to benefit of act.

Notice of application for benefit of act.

CHAPTER 114.—An ACT for the relief of the widows and minor heirs of State troops who died in rebel prisons, or from diseases contracted therein.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

The widows and minor heirs of all the troops in the military service of this State who died in rebel prisons, or from diseases contracted in such prisons, are hereby relieved from paying any further taxes for bounty purposes; and the board of supervisors of every county in this State, in which any bounty tax has been paid by such widow or minor children, is hereby required to cause the same to be repaid to them by the county treasurer, and, if necessary, to lay a levy for that purpose.

Relief from bounty taxes.

Such taxes already paid to be refunded.

CHAPTER 115.—An ACT to amend Section 17 of Chapter 29 of the Acts of 1864.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

Chapter twenty-nine, section seventeen, of the Acts of eighteen hundred and sixty-four, is hereby amended and re-enacted so as to read as follows:

“17. No exemption under this act shall affect or impair any prior lien on any real or personal estate or any claim for the purchase money thereof, or upon any suit for damages for trespass growing out of the late rebellion, or for work or labor performed in a family as a domestic. Nor shall anything in this act contained exempt any property from taxation or from sale for taxes.”

No exemption of property from certain claims.

CHAPTER 116.—An ACT to provide for the payment of certain military claims.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

The sum of eighty-one thousand six hundred and twenty-nine dollars and seventy-one cents is hereby appropriated and placed at the

\$81,629.71 appropriated.

How paid.

disposal of the governor, for the payment of certain claims, audited by the board of claims under and by virtue of an act passed February twenty-eighth, eighteen hundred and sixty-five, entitled "An act creating a board for the examination of certain military claims," as exhibited in the report of said board, accompanying the annual message of his excellency, the governor, and in a subsequent report made February twelfth, eighteen hundred and sixty-seven; provided however, that all payments made under and by virtue of this act shall be from moneys received from the United States in payment of similar claims audited by said board and provided for by the act passed February twenty-eighth, eighteen hundred and sixty-six, entitled "An act to provide for the payment of certain military claims therein mentioned."²

CHAPTER 117.—An ACT relating to Insurance Companies not incorporated by this State.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

Tax on receipts.

1. All insurance companies establishing agencies or doing business in this State, except life and accidental insurance companies, shall pay to the State semi-annually, on the first day of July and January of each year, a tax of three per cent upon the gross receipts of such companies during the previous six months from their business within this State.

Deposit with treasurer.

2. The said companies shall deposit with the treasurer of this State twenty-five thousand dollars in money or United States securities, as a security to policy holders, and the said deposit shall be retained and held for that purpose so long as said companies continue to transact business in this State, and as long as said companies have outstanding or unexpired policies on property within this State, or unadjusted liabilities, and in case of claim for loss or damage under said policies, process may be served upon their agent, and if no agent be found, publication of notice shall be deemed sufficient service; if judgment be rendered against any such company, execution may issue against the money or security deposited as aforesaid.

Penalty for violation of this act.

3. If any such insurance company, without complying with the provisions of this act, transact business within this state, or make or renew any contract of insurance, the said company and every agent or officer thereof acting in the matter in this State on behalf of such company, shall for every such offence forfeit not less than twenty nor more than two hundred dollars.

How penalty recoverable.

4. The penalty prescribed by the fourth section of this act shall be recoverable by action of debt, presentment, or indictment.

CHAPTER 118.—An ACT to amend and re-enact sections 1 and 3 of chapter 151 of the Code of Virginia, second edition.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

Sections one and three of chapter one hundred and fifty-one of the Code of Virginia, second edition, are hereby amended and re-enacted so as to read as follows:

"1. When any suit is about to be, or is instituted for the recovery of any debt or damages arising out of any contract, or to recover damages for any wrong, the plaintiff may have an order of attachment against the property of the defendant on filing with the clerk of the court in which such suit is about to be or is brought, his own affidavit or that of some credible person, stating the nature of the plaintiff's claim, that it is just, the amount the affiant believes the plaintiff ought to recover, and the existence of some one or more of the following grounds for such attachment.

How attachment may be obtained.

First—That the defendant, or one of the defendants, is a foreign corporation, or is a non-resident of this State; or

Grounds for attachment.

Second—Has left or is about to leave the State with intent to defraud his creditors; or

Third—So conceals himself that a summons cannot be served upon him; or

Fourth—Is removing, or is about to remove his property or a part thereof out of this State with intent to defraud his creditors; or

Fifth—Is converting, or is about to convert his property or a part thereof into money or securities, with intent to defraud his creditors; or

Sixth—Has assigned or disposed of his property, or a part thereof, or is about to do so, with intent to defraud his creditors; or

Seventh—Has property or rights in action which he conceals; or

Eighth—Fraudulently contracted the debt or incurred the liability for which the suit is about to be, or is brought.

The affiant shall also state in his affidavit all the facts upon which he relies to show the existence of the grounds upon which his application for the attachment is based. The order may be made at the commencement of the action, or at any time after, and before judgment. It shall be issued by the clerk and may be in form or effect as follows:

Order of attachment.

A. B., plaintiff, vs. C. D., defendant. } Order of attachment.

The plaintiff in this cause having filed his affidavit, as required by law, the sheriff or any constable of the county of _____ is hereby required to attach the estate of the defendant sufficient to pay the sum of _____ dollars and the costs of this suit, and make return of the proceedings under this order to the next term of the circuit court of the county of _____

Witness, E. F., clerk 18 E. F., Clerk.

If the plaintiff files the bond and security required by law to authorize the officer levying the attachment to take possession of the property levied upon, that fact shall also be stated in the order."

When a justice to issue attachment.

"3. On the application of any person by himself or his agent to any justice, whether his claim is payable or not, for an attachment against the estate of his debtor, accompanied by the affidavit provided for in the first section as amended by this act, and also showing at what time the same is payable, the justice shall issue an attachment against the estate of the defendant, for the amount stated in said affidavit."

CHAPTER 119.—An ACT to amend an act entitled "An Act for the collection of Taxes," passed December 7, 1863.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

Section three of chapter one hundred and thirty-one of the acts of eighteen hundred and sixty-three is hereby amended and re-enacted so as to read as follows :

Collector's notices of times and places for payment of taxes.

"3. It shall be the duty of the sheriff or collector to give notice, by posting at the public place of meeting of the people of each township, and at not less than six other public places in the township, for at least twenty days before the time appointed, that he will attend at such place on two several days, to be fixed by him, one of which, if practicable, shall be a day fixed for a public meeting of the people of said township, between the first day of September and the first day of November following, for the purpose of receiving taxes due by the people residing or paying taxes in said township, and that he will make a discount of two and a half per centum to all such persons as shall pay all their taxes on or before either of the said days, and not otherwise; which discount shall be made on the whole amount of tax so collected by said sheriff or collector. Said sheriff or collector shall, within thirty days after he shall have kept his appointment, give notice to the tax-payers, in the same manner as required above, that he will attend at the same place, on a day designated in said notices, for the purpose of receiving the taxes in said township yet unpaid, but no discount shall be made on the taxes paid on said day; but on all taxes remaining unpaid on the thirty-first day of December in the year for which such taxes may have been assessed the sheriff or collector shall add five per centum, to be collected with said taxes; provided that this act shall not apply to any assessments made prior to January first, eighteen hundred and sixty-seven."

CHAPTER 120.—An ACT for the establishment of a State Normal School.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

Establishment.

1. That there be established a State Normal School, to be called the "West Virginia State Normal School," for the instruction and

practice of teachers of common schools in the science of education and the art of teaching, to be established at Marshall College, in the county of Cabell, and the State superintendent of free schools, the secretary of State, the State treasurer and the auditor, with one other person from each Congressional district of the State, to be appointed by the governor, shall constitute what shall be called "The Regents of the State Normal School," which said persons and their successors are constituted a body politic and corporate, under the name and style aforesaid, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any or all the courts of law or equity in the State; shall be capable and are hereby empowered to take to themselves and to their successors, by purchase, gift, devise, bequest or otherwise, any estate in either realty or personal property of every description whatever, and the same to dispose of by sale, lease or otherwise, for the use of said Normal School; provided, that any donation of land for the site of said school shall be conveyed to the Regents of the State Normal School, in trust for said purpose, and in case of the removal of said institution, or of its sale by said Regents, shall revert to the donor or donors. They are likewise authorized to have and to use a common seal, and to change and destroy the same at pleasure, and to have perpetual succession, and by the same to transact all and every business having reference to the promotion of the object had in view in the establishment of said school, as fully and perfectly as any person or body corporate within this State has the power to do in the management of the business.

Regents incor-
porated.

Their powers.

2. That the said Regents shall hold their offices respectively as follows, to-wit: The State superintendent of free schools, secretary of State, the treasurer and auditor, during the period of their several terms of office as such, and those appointed by the governor, two years from the date of their appointment.

Terms of office.

3. The said school shall be under the general supervision and control of the State superintendent of free schools and the other Regents thereof. They shall have the power to pass such general laws, and to adopt such general rules and regulations for its government, not inconsistent with the laws of the State, as they may deem best calculated to effect the object of its establishment. They shall fix the number and compensation of teachers and others to be employed therein, to appoint and remove the same; prescribe the preliminary examination, and the terms and conditions on which pupils shall be received and instructed in the school; the branches of learning to be taught therein; and shall determine what shall be the number of pupils from the respective counties of the State, conforming as nearly as possible to the ratio of population, and likewise direct the mode of selecting pupils for the school. They may also admit into said school such number of students from this or any other State who may not desire to become teachers of common schools, as they may deem proper, and upon such terms as they may prescribe.

Further powers
of regents.

Executive committee; its powers and duties.

4. They shall appoint a board, to consist of five persons, who shall be residents of the county of Cabell, who shall constitute an executive committee, for the care and immediate management and control of said school, under rules and regulations prescribed by the Regents, and such others, not inconsistent therewith, as they in their discretion may find it necessary to adopt. It shall be the duty of said committee, from time to time, to make full and detailed reports to said Regents of the condition, the working and the prospects of said school; and among other things it shall be their duty to recommend to said Regents such general rules and regulations for the school, and make such suggestions in reference to it, as to them shall seem likely to promote its interest and increase its efficiency.

Report of regents.

5. That the Regents shall transmit to the legislature, at each session, a full account of their proceedings under this act, together with a detailed report by the executive committee, of the progress, condition and prospects of the school.

President and secretary of regents.

6. That the superintendent of free schools, ex-officio, shall preside at the meetings of the Regents. They shall elect, at their first meeting, or as soon thereafter as practicable, out of their own number, a secretary; they shall prescribe his duties and determine upon the amount he shall receive as compensation for his services, which shall not exceed five hundred dollars per annum. No compensation shall be allowed to the Regents for their services as such, except for personal expenses incurred in the discharge of their duties as Regents.

Local subscriptions.

7. That no part of the sum appropriated by the State to said school shall be expended until the sum of ten thousand dollars be raised by subscriptions or otherwise by those locally interested, to aid in the establishment thereof; but the Board of Regents shall receive the lands, buildings and other property of the said Marshall College in payment of the said sum of ten thousand dollars. For the purpose of raising the amount necessary to purchase the said college, and to pay the said sum of ten thousand dollars, the board of supervisors of the said county of Cabell may levy a tax on the property therein subject to taxation, for an amount not exceeding five thousand dollars, if, after having submitted the question to a vote of the qualified voters of the said county, a majority of the votes cast shall be in favor of such levy. The sum so raised as aforesaid shall be paid *pro rata* with the appropriation to said school made by the State, as herein-after provided.

Cabell county supervisors may levy tax.

Meeting of regents.

8. That it shall be the duty of the State superintendent, at as early a day as practicable after having satisfactory evidence that the foregoing section has been complied with and the appointment of the three additional regents by the governor, to call a meeting of the Board of Regents at the town of Guyandotte, in the county of Cabell, for the purpose of taking the necessary steps for the immediate establishment and putting into operation of said school, by securing the necessary ground and the erection thereon of the necessary build-

ings for the same; they shall have the power, should they deem it necessary, to instruct the committee to be appointed by them to purchase land and contract for the erection of suitable buildings on a plan agreed upon by them, or may at any time delegate to said committee any other of the powers herein granted to them, by which they shall think the best interests of the school will be promoted.

Purchase of land and erection of buildings.

9. That the treasurer shall pay, on the warrant of the secretary of State, to the order of the State superintendent of free schools, out of any money in the treasury not otherwise appropriated, a sum not to exceed ten thousand dollars in any one year, and in the aggregate not to exceed thirty thousand dollars, which shall be expended under the direction of the State superintendent of free schools and the other Regents of the said Normal School in securing the necessary grounds and buildings for said school, the aggregate amount thus provided to be expended in three years from the commencement of the work, by the Board of Regents, in annual instalments of ten thousand dollars each, and the further sum of twenty-five hundred dollars to be paid to the said superintendent upon the warrant of the secretary of State, for the purchase of furniture for the said buildings and the necessary apparatus for said school.

\$30,000 appropriated.

How paid and expended.

Three annual instalments.

CHAPTER 121.—An ACT establishing uniform grade and system of drainage in the city of Parkersburg.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

1. The city council of Parkersburg shall, previous to the first day of March, eighteen hundred and sixty-seven, cause to be made and adopt a complete system of grades and drainage for the streets and alleys thereof, and place the same on record in the recorder's office of Wood county, and also in the office of the city engineer; which system of grades and drainage shall be fixed and permanent, subject to the provisions and limitations of this act.

Adoption and record of system of grades and drainage.

2. When property now within the city limits, or hereafter added thereto, is laid out, it shall be the duty of the council to cause to be made and adopt a system of grades and drainage for said additions, within six months from the date thereof, which shall in like manner be recorded as provided in section first of this act; and, if found necessary, the previous system of grades and drainage may be changed for a distance not exceeding one square within the connecting lines thereof.

Same in additions to city.

3. If at any time the city council of Parkersburg may desire to change the grade of any street or alley from that established by virtue of this act, it may have the power to do so, provided the assent of a majority of the property owners along the line of said proposed change be first obtained thereto; provided, that if said change be deemed expedient for the general welfare of the city, and the assent

Change of grade.

of a majority of the property owners along the line of said proposed change cannot be obtained thereto, the council may make the change upon the payment of such damages as may be agreed upon by the said property holders and council; and in case such damages cannot be agreed upon by any of said property holders and the council, then the council may make the desired change in such grade upon lowering or raising the buildings along said line to the proposed grade.

Direction and
width of streets
not to be changed

4. No person or property holder opening new streets and laying out lots within the corporate limits of the city of Parkersburg shall have the right to change the direction or course of the continuation of any street or alley then existing, in parts laid out and adjacent thereto, nor to close any street or alley so that it cannot be continued through the said property, nor to lessen or decrease the width of any such street or alley; and such survey of continuation of streets and alleys shall be subject to the endorsement or rejection of the city engineer; and upon the return to the city council of any place of streets and alleys, endorsed by the city engineer and duly recorded, the said council shall cause to be released from taxation so much of said property as is comprised in streets, alleys or public squares.

CHAPTER 122.—An ACT authorizing the Board of Supervisors of Brooke County to refund certain taxes.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

The board of supervisors of Brooke county are hereby authorized to refund to the citizens of said county the bounty tax erroneously assessed on real or personal property in the year eighteen hundred and sixty-five.

CHAPTER 123.—An ACT relating to West Virginia Normal School.

Passed February 27, 1867.

Preamble.

WHEREAS, a corporation under the name of "The Regency of West Virginia Normal School" has been formed in accordance with the laws of this State, for the purpose of establishing and conducting a normal school at Fairmont, in the county of Marion; and, whereas, the said corporation requests an appropriation from the State to assist in purchasing or erecting buildings adequate to the demands of such a school; and, whereas, it is proper that the State shall encourage the establishment of normal schools for the purpose of educating and training teachers in the improved methods of instruction and discipline adopted in the common schools of other States; therefore,

Be it enacted by the Legislature of West Virginia :

\$5,000 appropriated.

1. The sum of five thousand dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the use of the regency of West Virginia normal school, under the conditions specified in the following sections of this act.

2. The governor shall appoint five discreet citizens of this State, who together with said regency, shall disburse the money herein appropriated, and shall make reports in detail of such disbursement whenever required by the governor. How money disbursed.

3. Whenever the said normal school shall cease to be conducted as such, or whenever it shall fail to be kept in operation during eight months in succession, the money herein appropriated shall, upon demand of the governor, be refunded to the State; and until so refunded upon such demand, the State shall hold a lien for the same upon the property of said corporation. In what event money to be refunded.

CHAPTER 124.—An ACT to incorporate Orrel Lodge No. 20, of the Independent Order of Odd Fellows, in the village of Newburg.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

1. That Lawrence Henry, George Hodgekiss, M. R. Griffith, David Hinerman and John W. Perry, and such others as are now regularly associated with them, and such as may hereafter become regularly associated with them, are hereby created a body politic and corporate under the name and style of "Orrel Lodge No. 20, of the Independent Order of Odd Fellows," in the village of Newburg, in Preston county; and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and may purchase, sell and hold to them and their successors, for the charitable and benevolent purposes of said lodge, not exceeding two full lots of ground in said village of Newburg, and not exceeding six acres of land in the county of Preston; and also such personal property and moneys necessary for the purposes aforesaid. Corporators.
Powers of corporation.

2. The said lodge shall be authorized to make all needful laws and regulations for the management of their property as a majority of said lodge may prescribe. Its regulations.

3. This act may be altered, amended or repealed, at the pleasure of the legislature. Act amendable.

CHAPTER 125.—An ACT authorizing the Auditor to convey to Ephraim Bee certain lands.

Passed February 27, 1867.

WHEREAS, the legislature of the Commonwealth of Virginia, on the eighteenth day of February, eighteen hundred and fifty-eight, passed an act authorizing Jonathan M. Bennett, then auditor of public accounts, to convey the lands mentioned in the said act upon the payment of the balance of the purchase money due and mentioned in the said act, into the treasury of the commonwealth of Virginia; and whereas, the said deed of conveyance was never executed by the said Bennett to the said Bee; therefore,

Be it enacted by the Legislature of West Virginia :

Conveyance by auditor.

1. That upon payment by the said Bee of the sum of four hundred and ninety-nine dollars and ninety-six cents into the treasury of the State of West Virginia, to the credit of the school fund, in discharge of the said purchase money, Joseph M. McWhorter, now auditor of the State of West Virginia, or his successor in office, is hereby directed to convey all that part of said lands so purchased by said Bee, outside of the said Henderson's and Graham's surveys, as mentioned in said act of the general assembly of Virginia, by deed without warranty to said Ephraim Bee; and thereupon all the right, title and interest of the State of West Virginia in or to the land so conveyed be transferred to and vested in the said Bee. But nothing herein shall be construed to interfere with or impair any other rights acquired by other persons from the Commonwealth of Virginia.

CHAPTER 126.—An ACT to amend the Charter of the Town of Clarksburg.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia :

The charter of the town of Clarksburg is amended so as to read as follows :

Control of certain roads.

1. The corporation shall have control of all the county roads, turn-pikes and bridges within the limits thereof, and it shall be lawful for the trustees of said town to provide for keeping the same in repair. The taxable persons and property within the limits of said corporation shall be exempt from county road and bridge tax, and from all expense and liability for the construction or repair of roads or bridges outside the corporation limits of said town.

Annual tax.

2. The trustees of said town shall have power to assess, levy and collect an annual tax within the limits of said corporation, on all property, real and personal, that is subject to taxation by the laws of the State; provided, that the tax on unimproved lots do not exceed one dollar on every one hundred dollars value thereof, and that the tax on improved property do not exceed seventy-five cents on every one hundred dollars value thereof. The said trustees shall have power

Proviso.

Capitation tax.

also to assess, levy and collect an annual tax, not exceeding two dollars per head, on all male persons over the age of eighteen years within the limits of said corporation.

Chain-gang.

3. The trustees of said town shall have power to enforce the payment of fines and penalties by placing at labor on the streets, alleys, roads and bridges within the limits of said corporation the party in default, until the fine is paid; provided, however, that no person shall be compelled to labor as aforesaid more than ten days for any one offense. They shall have power also to provide for the regular building of houses and other structures in or for said town, and for the proper numbering of the same.

Building and numbering of houses.

4. The said trustees shall annually appoint a clerk who shall record the orders and proceedings of the trustees, and who shall receive a compensation for his services, to be fixed by the trustees, which shall not be diminished or increased for the term for which he was appointed. Clerk of trustees.

5. State licenses to keep a hotel or tavern, or to sell at retail spirituous liquors, wines, porter, ale, beer or any drink of like nature; or to keep for public use or resort a bowling alley or saloon, billiard table, or table of like kind, within the limits of said corporation, shall be issued only when authorized by resolution of the trustees of said town; and no license shall be granted for any of the purposes above indicated, by the supervisors of Harrison county, unless the person applying therefor shall produce to said supervisors the certificate of the trustees of said town of its consent to the granting of such license; provided, however, that in granting such licenses as aforesaid the trustees of said town shall conform to the requirements of the act passed November twenty-eighth, eighteen hundred and sixty-three, entitled "An Act concerning licenses," and to the laws that may hereafter be made regulating the granting of such licenses as are hereinbefore enumerated. When anything for which a State license is required is to be done within said corporation, the said trustees may require a corporation license to be had for doing the same, and may impose a tax thereon in addition to the State tax, for the use of said town, provided that the tax so imposed do not exceed the amount of tax to be paid the State, and may require from the person so licensed a bond with sureties, in such penalty and with such conditions as they may determine. State liquor licenses not to be granted without consent of trustees.
Town licenses.

6. The eighth section of the act passed March fifteenth, eighteen hundred and forty-nine, entitled "An Act to provide for electing trustees for the town of Clarksburg, in the county of Harrison, and vesting them with certain corporate powers," is hereby repealed. Law repealed.

CHAPTER 127.—An ACT to amend and re-enact the charter of the town of Charleston, in the county of Kanawha.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

That the charter of the town of Charleston be amended and re-enacted so as to read as follows:

1. The corporate limits of the town of Charleston shall be as follows, Corporate limits.
to-wit: Beginning at the Kanawha river at low water mark, on the line dividing the estate of Bradford Noyes, deceased, from the lands next above the same, and running thence with said dividing line to the foot of the hill; thence a direct continuation of the said line to the Coal Branch; thence down said Coal Branch, with its meanders to Elk river; thence down Elk river, at low water mark, to its mouth, and thence up the Kanawha river with its meanders, at low water mark, to the place of beginning.

- Municipal authorities.** 2. The municipal authorities of said town shall be a mayor, recorder and seven councilmen, who together shall be a common council.
- Incorporation.** 3. The mayor, recorder and councilmen so soon as they have been elected and qualified as hereinafter provided, shall be a body politic, by the name of "The town of Charleston," and shall have perpetual succession, and a common seal, and by that name may sue and be sued, implead and be impleaded; may purchase and hold real estate and other property necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of the said corporation.
- How corporate powers exercised.** 4. All the corporate powers of the said town shall be exercised by the said council or under their authority, except where otherwise provided.
- Officers.** 5. There shall be a town sergeant, treasurer, assessor, and an overseer of the poor.
- How elected.** 6. The mayor, recorder and councilmen shall be elected by the citizens of said corporation, who may be entitled under this act to vote.
- Terms of office.** 7. Their term of office shall be (except when to fill vacancies) for one year, and until their successors shall have been elected and qualified as hereinafter provided.
- Qualifications for office.** 8. The mayor, recorder and councilmen must be freeholders in said corporation and entitled to vote for members of its common council.
- Elections.** 9. The first election under this act shall be held on the second Monday in March, eighteen hundred and sixty-seven, at the court-house of Kanawha county, under the supervision of the supervisor and inspectors of elections of Charleston township, and annually thereafter there shall be an election in each year, at such time and place, and under such supervision, rules and regulations as the council may prescribe. The officers conducting the first election shall grant a certificate to the persons elected, which certificate shall be recorded in the journal kept by the council.
- Who entitled to vote.** 10. All persons residing in said town, and who shall have paid the town taxes, if any, assessed against them for the preceding year, and who shall be entitled to vote for members of the legislature of West Virginia, shall be entitled to vote for all officers elected by the people under this act.
- Vacancies in office.** 11. All vacancies occurring from any cause, in any of the offices provided for in this act shall be filled by appointment by the council.
- Vote by ballot.** 12. At all elections the vote shall be by ballot.
- Tie votes; how decided.** 13. Whenever two or more persons for the same office at any election shall receive an equal number of votes, the officers conducting

the election shall in an equitable mode prescribed by the council, determine which of the persons so voted for shall be returned elected.

14. All contested elections shall be heard and decided by the council for the time being, but the council may order a new election if they are satisfied the ends of justice will be better attained thereby.

Contested elections.

15. A majority of the whole number of officers mentioned in the second section of this act, shall be necessary to the transaction of any business whatever.

Quorum.

16. The mayor, recorder, councilmen and all officers herein provided for, shall each, before entering upon the duties of his office, and within two weeks from the time of his election or appointment, take and subscribe the oath prescribed by the act of the legislature of this State, passed November sixteenth, eighteen hundred and sixty-three, and an oath to faithfully and impartially discharge the duties of his office. The mayor having taken such oath or affirmation, may administer the same to the councilmen and other officers; certificates of said oaths or affirmations shall be recorded in the journal kept by the council, and whenever two-thirds of the members of the common council shall have qualified they shall enter upon their said offices, and shall supersede the former council of said town.

Oaths of officers.

17. If any one who shall have been duly elected mayor, recorder or councilman, shall not have been eligible as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this act within the time prescribed, the council for the time being shall declare his said office vacant, and proceed to fill such vacancy as provided in section eleven of this act.

When offices declared vacant.

18. The council shall be presided over at its meetings by the mayor or, in his absence, by one of the councilmen chosen by a majority of the council present.

Council; its presiding officer.

19. The council shall cause to be kept in a well bound book an accurate record of its proceedings, by-laws, acts and orders, which shall be fully indexed and open to the inspection of the citizens of the town. The proceedings of each meeting shall be read and corrected at the succeeding meeting and signed by the person presiding for the time being. Upon the call of any member, the yeas and nays on any question shall be called and recorded in the journal. The presiding officer may vote as a member of the council, and in all cases of a tie the person at the time presiding at the council shall have the casting vote.

Its journal.

Its proceedings.

20. The council shall have power to re-survey said town, and for this purpose may employ a competent engineer (which officer may be made elective by order of the council) and prescribe his duties, term of office and amount of compensation; to open new streets and extend, straighten, widen and repair old streets and alleys; to curb and

Its powers.

Powers of council.

pave streets, sidewalks and gutters for public use, and to alter, improve and light the same; and shall have control of all avenues for public use in said town; to have the same kept in good order and free from obstructions on or over them; to regulate and determine the width of all streets, sidewalks and public alleys; to order and direct the curbing and paving of all sidewalks and footways for public use in said town, to be done and kept in good order by the owners or occupants of the adjacent property; to control the construction and repairs of all bridges and culverts, the opening and construction of all ditches, drains and gutters; to widen, deepen and clear the same of stagnant water and filth, and to determine at whose expense the same shall be done; to purchase, lay off and appropriate public grounds and control the use of the same; to provide, contract for and take care of all public buildings proper to the town; to provide for the regular building of houses or other structures; to cause the removal of unsafe walls or buildings; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in or near the town, places for the burial of the dead, and to regulate interments in the town, and provide for shade and ornamental trees; to provide for the making of division fences, and for the draining of lots by proper drains and ditches; to make regulations for guarding against danger or damages from fires; to provide for the poor of the town; to organize one or more fire companies and provide the necessary apparatus, tools, implements, engines, or any of them, for their use; to provide a sufficient revenue for the said town and appropriate the same to its expenses, and to provide for the annual assessment of taxable persons and property in the town; to adopt rules for the transaction of business and for the government and regulation of its own body; to promote the general welfare of the town, and to protect the persons and property of the citizens therein; to appoint such officers as they may deem proper, including a sergeant, treasurer, assessor and overseer of the poor; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds, with such sureties and in such penalty as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure; (all bonds taken by the council shall be made payable to the town by its corporate name); to regulate and provide for the weighing and measuring of hay, coal, wood, and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold only in said markets; to protect places of divine worship; to lay off the town into three or more wards, and to appoint and publish the places of holding town elections; to erect, or authorize or prohibit the erection of gas works or water works in or near the town; to prevent injuries to or protection of the same, or danger to the water and healthfulness of the town,

for all which purposes, except that of taxation, the council shall have jurisdiction for one mile beyond the corporate limits of said town.

21. To carry into effect these enumerated powers and all others conferred upon said town or its council expressly or by implication in this or any other acts of the legislature, the council shall have power to adopt and enforce all needful orders, by-laws and ordinances not contrary to the constitution and laws of the State, and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment under judgment and orders of the mayor of said town, or the person lawfully exercising his functions; and the council, with the consent of the supervisors of Kanawha county, entered of record, may have the right to use the jail of said county for any purpose necessary in the administration of its affairs. Powers of council.

22. It shall be lawful for the council to establish and construct landings, wharves and docks on any ground which does or shall belong to said town, and to repair, alter or remove any building, wharf or dock which has been or shall be so constructed, and to lay and collect a reasonable duty on vessels coming to or using the same; and it shall have power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair, to preserve peace and good order at the same and regulate the manner in which they shall be used; it shall have power to appoint as many wharf-masters for said town as may appear necessary, to prescribe their duties, fix their fees and make all regulations in respect to such officers as they may deem proper. Same.

23. The council shall cause to be annually made up and entered upon its journal an account and estimate of all sums which ought to be paid within one year, and it shall order a town levy of so much as in its opinion is the amount which may be raised from licenses and other sources. Annual estimate for levy.

24. The levy so ordered shall be upon all male persons, residents of said town, over the age of eighteen years, dogs and all real and personal estate within said town subject to State and county taxes; provided, that the tax so levied do not exceed one dollar on every one hundred dollars of value of unimproved lots, (or lots upon which there is no building,) and seventy-five cents on every one hundred dollars of value of other real and personal property, or two dollars per head on each taxable person, or two dollars per head on dogs; provided, further, that dogs known as "rat terriers" shall not be taxed. Annual levy.

25. Whenever anything for which a State license is required is to be done within said town, the council may require a town license to be had for doing the same and may impose a tax thereon for the use of the town, and the council may in any case require from the person licensed a bond, with such sureties and in such penalty and with such conditions as it may deem proper, and may may revoke such license Town licenses.

at any time if the condition of said bond be broken. And no license to sell strong or spirituous liquors, or wine, beer, ale, porter, or drinks of like nature, within said town or within two miles of the corporate limits thereof, shall be granted by the supervisors of Kanawha county, unless the person applying therefor shall produce to said supervisors the certificate of the council of said town of its consent to the granting of such license.

Sergeant; his powers, duties and compensation.

26. The sergeant shall have the power to collect the town taxes, fines and levies, and shall have power one month after he shall have received the books of the assessor of said town to distrain and sell therefor, in like manner as a sheriff may distrain and sell for State taxes, and shall in all other respects have the same powers as a sheriff to enforce the payment and collection thereof, and the said sergeant shall have power to exercise within the corporate limits of said town all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and he shall be entitled to the same compensation therefor; except in case of the arrest of any person for violating any of the ordinances of the council, upon the conviction of such person he shall be entitled to one dollar for such arrest, to be taxed in the costs against the person so convicted; and he and his securities shall be liable to all fines, penalties and forfeitures that a constable is legally liable to for any failure or dereliction in his said office, to be recovered in the same manner and in before the same courts that said fines, penalties and forfeitures are now recovered against constables.

Lien for taxes,

27. There shall be a lien on real estate within said corporation for the town taxes assessed thereon from the commencement of the year in which they are assessed, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of said town from the time the same are so assessed or imposed, which lien shall be enforced by the council in the same manner as the lien for taxes for county purposes is now enforced. The lien aforesaid shall have priority over all other liens except that for taxes due the State.

Prohibition of shows.

28. The council may prohibit any theatrical or other performance, show or exhibition, which it may deem injurious to the morals or good order of the town.

Bonds of sergeant and treasurer.

29. The council shall have power to require and take from the sergeant and treasurer bonds, with sureties satisfactory to the council, in such penalty as it may deem sufficient, except that as to the sergeant it shall not be for a penalty less than five thousand dollars; and said bond shall be conditioned for the faithful and true performance of his duties as sergeant, and for the collecting and accounting for and payment of the taxes, fines and other moneys of the town which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the council may order. The treasurer's bond shall be conditioned for the faithful performance of his

duties as treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as treasurer, when and as he shall be thereto required by the council.

30. The mayor shall be the chief executive officer of the town, and shall take care that all by-laws, ordinances and orders of the council are faithfully executed, He shall be, *ex officio*, a conservator and justice of the peace within the town, and shall within the same exercise all the powers and duties vested in justices, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the town, and may appoint special police officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of said town are preserved, and that the persons and property therein are protected; and to this end he may cause the arrest and detention of all rioters and disorderly persons in said town before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof and in default of such payment he may commit the party in default to the jail of Kanawha county until the fine or penalty and costs shall be paid, to be employed during the term of his imprisonment as hereinafter provided, but the term of imprisonment in such case shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful to the welfare of the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished during the term for which he was elected.

Mayor; his powers, duties and compensation.

31. The duty of the recorder shall be to keep the journal of the proceedings of the council, and have charge of and preserve the records of the town. He shall attend the mayor in all examinations, receive and issue his orders, swear witnesses and perform all the duties of a clerk in the council and mayor's court. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished during the term for which he shall have been elected.

Recorder; his duties and compensation.

32. It shall be the duty of the town sergeant to collect the taxes, fines and other income and revenue of the town, as specified in his bond, and to account for and pay the same to the treasurer at such time as the council may order. And it shall be his duty at least once in every six months during his continuance in office, and oftener if there-to required by the council, to render an account of the taxes, fines and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency; to which list he shall make oath that he has used due diligence to collect the same, but has been unable to do so. The council shall, if it be satisfied he could not have collected the said claims by use of due diligence, allow them. But if the council shall be of the opinion that by the use of due diligence on the part of said sergeant he could have collected

Sergeant; his powers, duties and compensation.

the said claims, or any part of them, then he shall be charged with such as he might have collected. The said sergeant shall do and perform all the other acts pertaining to the office of sergeant of a corporation, and of a police officer and constable within said town, and as such shall have the same powers, duties, fees and liabilities as are by law prescribed to a constable. He shall, for his services, receive such compensation as shall be fixed by the council.

How moneys
paid in and dis-
bursed.

33. All moneys belonging to said town shall be paid over to the treasurer, none of which shall be paid out by him except as the same shall have been apportioned and ordered to be paid by the council, and the said treasurer shall pay the same upon the certificate of the recorder, or in his absence upon the certificate of the mayor.

Penalty for fail-
ure of treasurer
in duty.

34. If the said treasurer shall fail to account for and pay over all or any moneys that shall come into his hands, when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before the circuit court of Kanawha county, after ten days' previous notice, to recover from the treasurer and his sureties, or their personal representatives, any sum that may be due from said treasurer to said town.

Penalty for fail-
ure of sergeant
in duty.

35. If the sergeant shall fail to collect, account for and pay over all the taxes, fines and other revenue of the town in his hands for collection, according to the conditions of his bond, it shall be lawful for the council to recover the same by motion in the corporate name of the town before the said circuit court, after ten days' notice, against the said sergeant and his sureties, or any or either of them, his or their executors or administrators.

Exemption from
certain road
taxes.

36. The said town and the taxable persons and property therein shall be exempt from all expense or liability for the construction or repairs of roads or bridges, or other taxes for county or township purposes, (except free school tax,) outside the corporate limits of said town, for any year in which it shall appear that said town shall at its own expense provide for its own poor and keep its streets in order.

Former rights
and ordinances
of town.

37. All rights, privileges and properties of the said town heretofore acquired and possessed, owned and enjoyed by any act now in force, shall continue undiminished and remain vested in said town under this act; and all laws, ordinances, acts and resolutions of council, now in force and not inconsistent with this act shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act.

Division of town
into wards.

38. The council shall divide said town into wards as soon as may be after taking control thereof, having regard to territory, population and streets of the town, and shall adopt all needful, just ward regulations, whether general or special, for the good of the citizens thereof; it shall authorize street expenditures in the several wards as

equity and justice shall demand, and may authorize the collection of a special tax in any ward of the town for a specified purpose within such ward, when requested so to do by a majority of the voters thereof; shall regulate the suffrage of said town so that the voters of each ward may have a voting place therein, and shall appoint proper officers to attend each place of voting, who shall make return of the votes there taken, in such manner and at such times as the council may prescribe. Whenever in the opinion of the council, it becomes necessary to lay off said town into more than three wards, the said council shall so lay it off and apportion the councilmen of said town so that each ward shall be equally represented in the council, and may increase or diminish the number of councilmen.

Voting places.

Representation
in council.

39. The council shall provide for the employment and safe keeping of persons who may be committed for default in payment of fines, penalties or costs under this act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the town, shall keep on hand an ample supply of necessary material for the same, and shall provide all necessary tools, implements, fixtures and facilities for the immediate employment of any and all such persons; shall fix a reasonable rate *per diem* as wages to be allowed every such person till such fine and costs against him are discharged, and the recorder shall keep an account of all fines and penalties so collected and expended.

Confinement and
labor of prisoners.

40. This act shall at all times be subject to modification or repeal, at the pleasure of the legislature.

Charter amend-
able.

CHAPTER 128.—An ACT to relieve Minor C. Hall and his securities.

Passed February 27, 1867.

Be it enacted by the Legislature of West Virginia:

1. Chapter eighty-one of the act passed March first, eighteen hundred and sixty-five, and chapter ninety-one of the act passed February twenty-seventh, eighteen hundred and sixty-six, are hereby repealed as to Minor C. Hall, late sheriff of Lewis county, and his securities, so that no notice or other proceeding shall be had against them.

Certain acts re-
pealed as to M.
C. Hall.

2. That no interest, costs, or damages that have in any way enlarged any debt or liability, since the first day of May, eighteen hundred and sixty-one, which the said Minor C. Hall and his securities were bound to pay to any person or persons who left their usual places of abode and went with the enemies of the United States into sections of the country held by such enemies, or to any person or persons that were confined in United States prisons in order to keep them from giving aid and comfort to persons engaged in armed hostility to the government of the United States, shall be collected from the said Minor C. Hall and his securities; and any process that

Interest not to
be collected on
certain claims.

Duty of judge or justice. has been issued, or which may hereafter be issued, whether in the hands of the sheriff or otherwise, shall be presented to the court where such process was issued, and the judge or justice there presiding shall carefully calculate all interests, costs and damages that have arisen or in any way increased said debts since the first day of May, eighteen hundred and sixty-one, and deduct such increase from the amount of said debts or liabilities, and within two months from the time such calculation is made, the judge or justice so presiding shall notify both plaintiffs and defendants of the true amounts on each debt yet to be paid. This act is intended to apply and shall have the same force against the assignee or the heirs of such assignee as it is intended to apply to the assignor.

CHAPTER 129.—An ACT concerning the Assessment of Taxes.

Passed February 28, 1867.

Be it enacted by the Legislature of West Virginia:

Sections amend- Sections sixty-six, sixty-seven, seventy-nine, eighty, eighty-four, ed. eighty-five, eighty-six, ninety-four and ninety-five of chapter one hundred and eighteen of the acts of eighteen hundred and sixty-three, are hereby amended and re-enacted so as to read as follows :

Duty of auditor and assessor. "66. The auditor shall prepare and furnish to each assessor blank lists of each class of property or subjects of taxation, arranged in convenient form and in such manner that the number and value of each class or subject may be annexed ; and the assessor shall furnish one of said lists to each person or company within his district required by this act to list property for taxation."

Lists of subjects of taxation. "67. The assessor shall require and take from each person or company in his district, required to list property for taxation, a list of all persons, personal property, money, contracts, credits, or other subjects of taxation which such person or company is required by this act to list, which were in the possession or care of such person or company on the first day of February, on account of which such person or company is chargeable with taxes or county or township levies. The person making such list shall annex, in the form prescribed by the assessor, the valuations of the property so listed, and shall take and subscribe an oath to be appended to such list to the following effect : 'I do solemnly swear (or affirm) that to the best of my knowledge and belief the annexed statements contain accurate, full and complete lists of all property, money and credits, whether the same are in or out of the State, which I am required to list, and of all subjects and persons on account of which I am chargeable with taxes and county or township levies ; and that, in my opinion, the valuations of the property listed are not below their fair cash value. So help me God ;' which oath may be administered by the assessor or any other officer authorized to administer oaths. But any person

Oath of person listing property.

may be released from the obligation of valuing the property listed as aforesaid by exhibiting the same to the assessor, who shall thereupon assess the value thereof and annex the valuation in the list aforesaid. Or if the assessor is not satisfied with the valuations made by any person, he may require such person to exhibit the property, and may adopt what he deems a fair valuation of the same; and in either case he shall, in addition to the certificate of the oath of the person listing the property, append to the list a certificate to the following effect: 'I hereby certify that the property mentioned in the foregoing list was exhibited to, and the valuations annexed to the same were made by me;' to which certificate he shall affix the proper date and his signature and official designation. In case any person shall feel himself aggrieved by such valuation, the controversy shall be decided in the manner prescribed in the sixty-fifth section of this act."

Assessor to value property if required.

or if dissatisfied with valuation.

Redress of person aggrieved.

"79. The assessor shall make three fair copies of his personal property book, and when the same shall be completed shall present them, together with the lists mentioned in the sixty-seventh section of this act, to the recorder of the county; who shall, with such assistance as may be necessary, compare the books with the said lists and examine them in such other way as his information will enable him to do. The assessor shall attend at the office of the recorder, and shall assist at the enumeration so far as may be desired by the recorder. The recorder shall point out to the assessor such errors, if any, as in his opinion may exist in any of the books; and every such error shall be corrected, but when the recorder and assessor cannot agree as to the propriety of such correction the matter shall be submitted to the prosecuting attorney for the county, and they shall conform to his decision. When the examination is completed, and the additions and recapitulations required by law have been made and found to correspond in each of the said books, the recorder shall append to each of the said books a certificate to the following effect: 'I hereby certify that I have examined and corrected the foregoing book in the manner required by law, and that the additions, proofs and recapitulations required by law have been made and correspond with the two other property books examined by me;' to which certificate the recorder shall affix the proper date and his signature and official designation."

Copies of personal property book.

Comparison and correction of the same.

Recorder's certificate.

"80. As soon as such comparison and examination shall have been completed, the assessor shall make and subscribe the following oath at the foot of each of the three copies of the personal property book: 'I, ———, assessor for the county of ———, do swear that in making the foregoing assessment I have, to the best of my knowledge and ability, pursued the law prescribing the duties of assessors, and that I believe the entries of the lists, the additions, proofs and recapitulations in the foregoing book are correct, and the same are alike in words and figures to the two other copies of the personal property book made by me for my district in this year. So help me God.' And the officer before whom the oath is taken shall annex thereto the following certificate: 'Sworn and subscribed before me, a ——— for the county of ———, on this ——— day of ———;' which certificate shall be subscribed by the officer administering the oath."

Oath of assessor.

Copies of land book.

Comparison and correction of the same.

Recorder's certificate.

"84. When three copies of the land book shall have been completed by the assessor, he shall present the same to the recorder of the county, who shall, with such assistance as may be necessary, compare each copy thereof with the land book of the preceding year, (to be furnished him for that purpose by the clerk of the board of supervisors), and when necessary shall examine the records of his office and such transcripts, abstracts or statements from other offices as may be in the possession of the assessor. He shall point out to the assessor such errors, if any, as in his opinion exist in any of the books, and correct the same; but if the assessor does not concur as to the propriety of such correction, the matter shall be submitted to the prosecuting attorney for the county, and they shall conform to his decision. When the examination is completed, and the additions and recapitulations required by law are made in each of the books, the recorder shall append to each of them a certificate to the following effect: 'I hereby certify that I have carefully examined the foregoing land book, that I have compared it with the land book for the preceding year, with the records of my office where necessary, and with such lists, abstracts and statements from other offices as the assessor laid before me; that such errors as were found in said books were corrected by me according to law, and that the additions and recapitulations correspond with the two other land books examined by me.' To which certificate the recorder shall affix the proper date and his signature and official designation."

Oath of assessor.

"85. As soon as such comparison and corrections have been made the assessor shall make and subscribe the following oath at the foot of each of the land books: 'I, ———, assessor for the county of ———, do swear that in making out the foregoing land book, I have to the best of my knowledge and ability pursued the law prescribing the duties of assessors, and that I have faithfully discharged the duties required of me in assessing improvements upon lands and that I believe the entries, additions and recapitulations are correct and like the other two copies of the land book made by me for my district in the present year:' and the officer before whom the oath is taken, shall annex thereto the following certificate: 'Sworn and subscribed before me ———, a ——— for the county of ———, on the ——— day of ———;' which certificate shall be subscribed by the officer making it."

How copies of assessor's books disposed of.

"86. After the land book and the book of personal property have been corrected and certified as required by sections seventy-nine, eighty, eighty-four and eighty-five of this act, the assessor shall on or before the the twentieth day of June next ensuing deliver one copy of the personal property book together with the lists mentioned in the sixty-seventh section of this act and one copy of the land book to the clerk of the board of supervisors of the county to be by him carefully preserved amongst the records of his office, free for the inspection of any person, and a copy of either or any portion thereof may be had at the charge of any person desiring the same; and such

copy of the land book and personal property book shall also serve for laying the county levy."

"94. Every assessor shall be entitled to receive in consideration of his services, to be paid out of the county treasury as other claims against the county are paid, such reasonable compensation as the board of supervisors may determine, not less than two hundred nor more than four hundred dollars per annum; or he may at his election be allowed a commission of three per centum, on the amount of State taxes assessed by him; and for services performed under the provisions of this act, the recorder shall be entitled to receive such reasonable compensation as the board of supervisors may allow, to be paid from the county treasury."

Assessor's compensation.

"95. The auditor shall pay out of the contingent fund of his office to the several assessors, all postage advanced by them in the transmission of their books or correspondence touching the duties of their office; the accounts for which shall be verified by their affidavits."

Postage refunded to assessors.

CHAPTER 130.—An ACT appropriating the Public Revenue for the Fiscal Year 1867.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia:

1. All payments made by the treasurer of this State, in excess of appropriations authorized by law, and all payments made since the thirtieth day of September, eighteen hundred and sixty-six, by virtue of appropriations made by the act passed March first, eighteen hundred and sixty-six, entitled "An Act appropriating the public revenue for the fiscal year eighteen hundred and sixty-six;" or under the provisions or by virtue of any general or special law requiring such payments, if made upon warrants legally issued by the auditor, are hereby legalized. And all money remaining in the treasury on the first day of October, eighteen hundred and sixty-six, or that may have since been thereinto paid, the surplus of all appropriations made prior to the fifteenth day of January, eighteen hundred and sixty-seven, and all money that may come into the treasury before the first day of October, eighteen hundred and sixty-seven, subject to appropriation for State purposes, shall constitute a general fund and be appropriated as follows:

Payments in excess of appropriations legalized.

General fund.

For expenses of the legislature of eighteen hundred and sixty-seven, twenty-five thousand dollars.

Legislature.

For rent of the Linsley Institute, including repairs and furniture, one thousand four hundred and fifty-one dollars and forty-two cents.

Rent of state house.

For salaries of the judges of the supreme court of appeals and of the circuit courts, twenty-eight thousand dollars; for salary of the clerk of the supreme court of appeals, one thousand dollars; and for salary of the reporter of the supreme court of appeals, one thousand dollars.

Salaries of judges, of reporter and clerk supreme court.

- Contingent expenses of courts.** For contingent expenses of courts, three thousand five hundred dollars.
- Salaries of executive officers.** For salary of the governor, two thousand dollars; auditor, one thousand five hundred dollars; secretary of the state, one thousand three hundred dollars; treasurer, one thousand four hundred dollars; attorney general, one thousand dollars; adjutant general, one thousand five hundred dollars.
- Salaries of clerks.** For salary of first clerk in auditor's office, one thousand two hundred dollars; for salary of second clerk in auditor's office, one thousand dollars; for salary of first clerk in adjutant general's office, one thousand dollars; for record clerks in adjutant general's office, one thousand dollars; for clerk of the house of delegates as keeper of the rolls, three hundred dollars; for salary of clerk in the treasurer's office, four hundred dollars; for salary of vaccine agent, one hundred dollars; for janitor and guard for executive offices, one thousand dollars.
- Contingent funds of executive officers.** For civil contingent fund, ten thousand dollars; for contingent expenses of auditor's office, including books, stationery, printing, postage and fuel, two thousand dollars; for contingent expenses of adjutant general's office, two thousand dollars; for contingent expenses of the office of secretary of the state, including necessary clerk hire, one thousand three hundred dollars; for contingent expenses of treasurer's office, four hundred dollars.
- Criminals.** For criminal charges, the arrest, conveyance and support of criminals in jails, conveying them to the penitentiary, and pay of witnesses and jurors, twenty-eight thousand dollars.
- Convicts.** For support of convicts in the penitentiary, fifteen thousand dollars.
- Hospital for the insane.** For current expenses of the West Virginia Hospital for the Insane, twenty thousand dollars.
- Lunatics in jail.** For expenses of lunatics confined in jails, five thousand dollars.
- Lunatics in Virginia.** For expenses of lunatics in insane asylums at Williamsburg and Staunton, Virginia, twenty-three thousand seven hundred dollars.
- Printing.** For public printing, ten thousand dollars; for balance due for printing first volume reports of the supreme court of appeals, seven hundred and eighty-five dollars; for printing second volume of the reports of the supreme court of appeals, one thousand eight hundred dollars.
- Militia claims.** For payment of militia claims allowed by regimental courts, two thousand dollars.
- Registration of births, &c.** For expenses of registration of births, deaths and marriages, one thousand two hundred dollars.
- Overpaid taxes.** For refunding overpaid taxes, and payment of commissions to sheriffs and other officers, six thousand dollars.
- Erroneous assessments.** For refunding taxes erroneously assessed, one thousand dollars.
- Re-valuation of lands.** For the expenses of re-valuation of lands under act of February twenty-first, eighteen hundred and sixty-six, sixteen thousand dollars.
- Registration of voters.** For expenses of registration of voters, fifteen thousand dollars.

For procuring and distributing soldiers' medals under joint resolution adopted February first, eighteen hundred and sixty-six, twenty-eight thousand dollars. Soldiers' medals.

For rent of executive mansion, seven hundred and fifty dollars; for auditor for rent of house, six hundred dollars; for secretary of the state for rent of house, six hundred dollars; for adjutant general for rent of house, four hundred dollars; for treasurer for rent of house, four hundred dollars. House rent for executive officers.

For Ohio county for rent of jail and expense incurred in confinement of State convicts to the first day of July, eighteen hundred and sixty-six, two thousand six hundred and seventy-three dollars and eighty-six cents. Rent of Ohio county jail.

For expenses of board of claims, two hundred and fifty dollars. Board of claims.

For printing notices, summoning witnesses and serving notices, and costs incurred in defending suits under the registration act of eighteen hundred and sixty-six, one thousand dollars. Defending suits against election officers.

For the executor of D. Hickman, deceased, late clerk of the county court of Tyler county, for examining and certifying commissioners books, thirty dollars. Executor of D. Hickman.

2. It shall be lawful to make any payment authorized by this act, any time prior to the first day of March, eighteen hundred and sixty eight. Until when payments may be made.

CHAPTER 131.—An ACT transferring the James River and Kanawha Turnpike road to the counties through which it passes.

Passed February 23, 1867.

Be it enacted by the Legislature of West Virginia :

1. That all that part of the James River and Kanawha Turnpike road lying in this state be and the same is hereby transferred to the several counties through which it passes, with all ferries, toll houses and lands with their appurtenances, held or used for the use of said road, and it shall be the duty of the board of supervisors of said counties to take charge of said road and put and keep the same in repair as other county roads. Transfer of road.
Duty of boards of supervisors.

2. Every such board may in their discretion erect and keep on said road one or more toll gates, not exceeding one for every ten miles of said road in such county, and may charge such reasonable tolls thereat as they may from time to time prescribe. Provided that it shall at all times be in the power of the legislature or board of public works to change or alter the rates of tolls when they are above the rate of tolls now prescribed by law. Toll gates.
Tolls.

3. If at any time the board of supervisors of any of such counties shall be of opinion that the public interest will be promoted thereby, they may contract with any person or persons to keep said road within their Road may be let out on contract.

county in repair on such terms as may agreed upon by the said parties. In such case the board of supervisors shall take from such parties his or their bond with good security, payable to themselves, for the performance of his or their contract, and the board of supervisors may maintain an action on such bond for any such failure.

CHAPTER 132.—An ACT to increase the number of days work on Roads.

Passed February 28, 1867.

Be it enacted by the Legislature of West Virginia :

The boards of supervisors of the several counties may increase the number of days work required to be done on public roads, not exceeding six days in any one year, so as to open and keep in good repair the roads in the several counties. The provisions of an act passed December fourth, eighteen hundred and sixty-three, in conflict with this act are hereby repealed.

Board of supervisors may increase number of days labor.

CHAPTER 133.—An ACT amending the charter of the East River and Princeton Turnpike Company.

Passed February 28, 1867.

Be it enacted by the Legislature of West Virginia :

Napoleon B. French, who contracted with the East River and Princeton Turnpike Company to construct a turnpike from the town of Princeton in Mercer county to some suitable point on the Cumberland Gap Road, near French's Mills in said county, is hereby authorized to make said road twelve feet wide instead of sixteen feet as required by the second section of the act passed March twenty-second, eighteen hundred and sixty, by the general assembly of Virginia, entitled "An act to incorporate the East River and Princeton Turnpike Company, and authorizing a subscription on the part of the State of three-fifths of its capital stock." And that said Napoleon B. French shall have until the first day of January, eighteen hundred and sixty-eight, to complete said road.

Width of road.

When road to be completed.

CHAPTER 134.—An ACT to provide for the Equalization of the Assessments of the value of the Lands of the State as between the various counties thereof.

Passed February 28, 1867.

WHEREAS, it appears from the returns made by the assessors of the various counties of the State, appointed under the act of February twenty-first, eighteen hundred and sixty-six, entitled "An Act to provide for a re-assessment of the value of all the real estate within this State," that there is great inequality in said valuation as between adjacent and contiguous counties, rendering it evident that an assess-

Preamble.

ment of taxes on said valuation would impose on some counties more and on others less than their fair and equitable share of taxation; therefore,

Be it enacted by the Legislature of West Virginia :

1. That a commission to consist of eleven members, one to be taken from each of the Senatorial districts of the State, and appointed by the governor, is hereby authorized, whose duty it shall be to meet in the city of Wheeling on the first Wednesday of September, next, and by a careful examination so correct the average value of the lands of the different counties of the State as to make it represent, as nearly as may be, the true average value of said lands.

Commissioners.

Their appointment, meeting and duty.

2. The members of said board or commission shall, before entering upon the duty above specified, be qualified by oath or affirmation that they will well and truly, according to the best of their judgment, ascertain the real value of the lands of the State.

Their oaths.

3. The governor shall notify said commissioners of their appointment at least one month previous to the time of meeting aforesaid, so that each member may have time, should he deem it necessary to the proper discharge of his duty in the premises, to visit the various counties of his district, and, by personal inspection and conference with the people, be able to form a correct judgment as to the relative value of the lands of said counties, that he may be prepared to suggest a fair and just average valuation of the same.

Visits of commissioners to counties.

4. When said commission shall have agreed upon an average valuation of the lands in each of the counties of the State, they shall proceed to their respective homes and there proceed to make out or cause to be made out two books for each county, one of which shall be transmitted to the auditor of the State and one deposited in the recorder's office of the county on or before the twenty-fifth day of December, eighteen hundred and sixty-seven, in which said books the valuation of the lands of each county as made by the county assessors above referred to shall be corrected on the basis of the average value of the lands of the respective counties as made out by the commission herein provided for, as compared with the average value as made out by the county assessors.

Corrected land books to be made out.

5. It shall be the duty of the auditor to supply each member of the commission with the necessary books for the counties of his district.

How books supplied.

6. The members of this commission shall receive a per diem allowance of two dollars for the number of days that they may respectively and necessarily be employed in the discharge of the aforesaid duty, together with all necessary expenditures incurred in the discharge of the same, and their several accounts shall be audited upon the sworn statement of the party that his account truly represents the time employed and the expenses incurred by him, and shall be paid by the treasurer, upon the auditor's certificate, out of any money in the treasury not otherwise appropriated.

Compensation of commissioners.

CHAPTER 135.—An ACT to prevent the Destruction of Fish.

Passed February 28, 1867.

Be it enacted by the Legislature of West Virginia :

Destruction of fish prohibited.

1. It shall not be lawful for any person or persons to catch, kill or destroy any of the fish in the rivers or creeks within the limits of the State of West Virginia, by means of any set-net, drag or other nets, or by means of any wiers, traps, or other devices, (other than ordinary angling with line and pole, gigs or spears), between the first day of May and the first day of October in each year. Neither shall it be lawful for any person or persons engaged at any time in catching or destroying fish to trespass upon or go into any enclosed fields adjoining or near to the stream in which such person or persons may be fishing, without permission from the owner or occupant of such premises.

Trespass on fields forbidden.

Penalty for violation of act.

2. Each and every person violating the preceding section, shall, upon conviction, be fined in any sum not less than five dollars nor more than ten dollars for each and every offence, to be levied and collected as other fines, before justices of the peace or other courts of competent jurisdiction.

When destruction of nets lawful.

3. It shall be lawful for any person or persons to remove or destroy any nets, traps or other device, or to remove any obstructions placed in any river or creek within this State for the purpose of destroying or preventing the passage of fish, between the first day of May and the first day of October in each year.

Fines to go into school fund.

4. All fines collected under the provisions of this act shall be paid into the school fund of the district wherein the offence shall be committed.

Proviso.

5. Nothing in this act shall apply to the Potomac river or its tributaries.

CHAPTER 136.—An ACT to provide for filling vacancies in the Supreme Court of Appeals and Circuit Courts of this State.

Passed February 28, 1867.

Be it enacted by the Legislature of West Virginia:

Governor to fill vacancies.

Any vacancy hereafter occurring in the office of judge of the supreme court of appeals, or that has occurred or may hereafter occur in the office of judge in any circuit of this State, shall be filled by appointment from the governor, to expire on the first day of January after the next general election for State officers.

JOINT RESOLUTIONS.

[No. 1.] Joint Resolution raising a committee to wait on the Governor.

Resolved, That the Senate appoint two, and the House be requested to appoint three members of a committee to wait upon his excellency the governor, and inform him of the organization of their respective Houses.

ADOPTED, January 15, 1867.

[No. 2.] Joint Resolution ratifying the amendment proposing a Fourteenth Article to the Constitution of the United States.

WHEREAS, The Senate and House of Representatives of the United States of America, in Congress assembled, by a concurrent vote of two thirds of both Houses have proposed to the legislatures of the several states the following amendment to the Constitution of the United States, to be classified as Article Fourteen of the amendments to said constitution, namely:

“ARTICLE XIV.

“SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

“SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

“SECTION 3. No person shall be a Senator or Representative in Congress, or elector for President and Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in

insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

"SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

"SECTION 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Resolved by the Legislature of West Virginia, That the said proposed amendment is hereby ratified.

ADOPTED, January 16, 1867.

[No. 3.] Joint Resolution providing for the distribution of the report on the Code.

Resolved by the Legislature of West Virginia, That two copies of the report of the revisor of the "Code of West Virginia," be delivered to each member of the Senate and House of Delegates, and that the residue of the copies of said report be deposited in the library subject to the future order of the legislature.

ADOPTED, January 18, 1867.

[No. 4.] Joint Resolution requesting the members of Congress from this State to favor the passage of a law protecting the wool growing interests of the country.

Resolved by the Legislature of West Virginia, That our senators and representatives in the Congress of the United States are hereby instructed and requested to use all legitimate means to secure the passage of a law affording fair and just protection to the great wool growing interests of the country, as agreed upon by the joint committee of wool growers and manufacturers, and embodied in the bill passed by the House of Representatives during the first session of the thirty-ninth Congress; and that the governor is requested to forward a copy of this resolution to each of our senators and representatives.

ADOPTED, January 19, 1867.

[No. 5.] Joint Resolution authorizing the printing of five thousand copies of the opinions of the Supreme Court of Appeals of this State on the Attorney's Test Oath.

Resolved by the Legislature of West Virginia, That the clerks of the Senate and House of Delegates shall have printed in pamphlet form, for the use of the Senate and House of Delegates, five thousand copies of the opinions of the Judges of the Supreme Court of Appeals, *ex parte* Hunter, Miller, Price and Summers.

ADOPTED, January 21, 1867.

[No. 6.] Joint Resolution fixing a day for the election of Public Printer.

Resolved by the Legislature of West Virginia, That the legislature proceed on Tuesday, January twenty-ninth, at eleven o'clock, A. M., to elect a public printer.

ADOPTED, January 21, 1867.

[No. 7.] Joint Resolution fixing a day for counting the votes for State officers.

Resolved by the Legislature of West Virginia, That the two houses meet in joint convention on Wednesday, the twenty-third instant, at eleven o'clock, A. M., to count the votes and declare the election of State officers.

ADOPTED, January 21, 1867.

[No. 8.] Joint Resolution fixing a day for the election of a State Superintendent of Free Schools.

Resolved by the Legislature of West Virginia, That the two branches proceed on Wednesday, the twenty-third instant, immediately after the result of the election of State officers is declared, to elect a State superintendent of free schools.

ADOPTED, January 3, 1867.

[No. 9.] Joint Resolution providing for the distribution of the copies of the Adjutant General's Report.

Resolved by the Legislature of West Virginia, That each member of the legislature and the recorders of the several counties of the State be furnished with a copy of the adjutant general's report for eighteen hundred and sixty-five, and the remaining copies of said report and the report of the same officer for eighteen hundred and sixty-four, be placed at the disposal of the governor.

ADOPTED, January 23, 1867.

[No. 10.] Joint Resolution requesting an additional appropriation of land by Congress to aid in establishing an Agricultural College.

Whereas, the Congress of the United States did, by an act approved July second, eighteen hundred and sixty-two, donate on certain conditions to the several States that might accept the same, land to the amount of thirty thousand acres for each of their senators and representatives in Congress, the proceeds of which were to be applied to the purpose of endowing and supporting colleges to be established by the legislatures of the States so accepting the same; where, in conformity with the provisions of said act, a course of instruction should be established for the benefit of the industrial classes; in which, without excluding other scientific and classical studies, and embracing

military tactics, particular prominence shall be given to such branches of learning as relate more particularly to agriculture and the mechanic arts; affording a thorough theoretical and practical education in the sciences connected therewith, so as to fit the classes for whose benefit it is more particularly instituted, for the various pursuits and professions of life.

And whereas, the scrip for the land thus donated to and accepted by the State of West Virginia had necessarily to be thrown upon the market and sold, she having no public lands within her boundaries upon which the State could locate the same, and consequently her share in this donation, from the smallness of its quantity and of the price of public land scrip in the market at the time of sale, failed to realize to the State a sum adequate to the object contemplated; the donation to West Virginia being thus rendered vastly unequal in its value, in proportion to her population, to the donations under the same act to States containing within their boundaries public lands upon which they could locate their scrip, and thus throw the land thus acquired, and not the scrip, into the market;

And whereas, the State of West Virginia, born in revolution and yet in her infancy, and having all her foundations to provide for, viz: her State capitol, penitentiary, lunatic asylum, institutions for the education of her deaf and dumb and blind, as also a fund for popular education, thus imposing upon her a scale of taxation which her people are barely able to endure; therefore be it

Resolved by the Legislature of West Virginia, That our senators in Congress be instructed and our representatives requested to use their best exertions to secure the passage of an act donating to the State of West Virginia, for the purpose specified, an additional appropriation of land equal to sixty thousand acres for each of her senators and representatives in Congress.

ADOPTED, January 24, 1867.

[No. 11.] Joint Resolution authorizing the compilation and printing of certain matter for the use of the Legislature.

Resolved by the Legislature of West Virginia, That the clerk of the Senate and the clerk of the House of Delegates compile lists of the members, officers and committees of the two houses, together with the rules of each house and such other matter as they shall think proper, and have five hundred copies of the same printed in convenient form for the use of the members and officers of the legislature.

ADOPTED, January 25, 1867.

[No. 12.] Joint Resolution directing the distribution of certain Acts.

Resolved by the Legislature of West Virginia, That the secretary of the State be directed to suspend action under the second section of joint resolution number nineteen, acts of eighteen hundred and sixty-six; and that the volumes printed under the first section of said resolution remaining in charge of that officer be by him disposed of as follows:

One copy to each recorder, clerk of the circuit court, prosecuting attorney, clerk of the board of supervisors, assessor, justice, and judge in the State, not already furnished with one.

One copy to the clerk of the supreme court of appeals.

One copy to each member of the present legislature.

One copy to the governor of each state and territory, for the library thereof.

One copy to each Representative from this State in the XLth Congress of the United States, and one to each Senator of this State in the Senate of the United States.

One copy to the West Virginia Hospital for the Insane, and one to the board of directors of the Penitentiary.

One copy each to the judge, clerk, attorney and marshal of the district court of the United States for the district of West Virginia.

Three copies to the librarian of Congress and three to the secretary of state of the United States.

And one copy to each officer in this State, if any there be, who is entitled to receive the session acts but has not been furnished with the same or with the volume to which this resolution relates.

The residue to be offered for sale at a price not below the actual cost, and the proceeds of all sales paid into the treasury.

ADOPTED, January 28, 1867.

[No. 13.] Joint Resolution asking additional pensions for the surviving Soldiers of the War of 1812.

Resolved by the Legislature of West Virginia :

1. That our senators and representatives in Congress be requested to procure, if possible, the passage of a law to increase the pensions of the surviving soldiers of the war of eighteen hundred and twelve.

2. That the governor be directed to certify and forward a copy of these resolutions to each of our senators and representatives in Congress.

ADOPTED, January 28, 1867.

[No. 14.] Joint Resolution relating to the proposed re-union of West Virginia with Virginia.

Resolved by the Legislature of West Virginia, That the Legislature of West Virginia hereby respectfully but most emphatically declines the consideration of that portion of the joint resolution adopted February twenty-eighth, eighteen hundred and sixty-six, by the General Assembly of Virginia, which refers to the re-union of the State of West Virginia with the State of Virginia.

ADOPTED, January 30, 1867.

[No. 15.] Joint Resolution asking an appropriation by Congress to aid in re-building certain roads and bridges destroyed during the late war.

Resolved by the Legislature of West Virginia :

1. That our senators and representatives in Congress be requested to ask for an appropriation of five hundred thousand dollars for the purpose of

assisting in the re-construction of the roads and bridges destroyed in this State by the United States troops during the late rebellion.

2. That a copy of the foregoing resolution, duly certified by the clerk of the House of Delegates, be forwarded to each of our senators and representatives in Congress.

ADOPTED, January 30, 1867.

[No. 16.] Joint Resolution for the relief of William D. Hall.

Resolved by the Legislature of West Virginia, That Captain William D. Hall, of the Tenth West Virginia Volunteer Infantry, be and is hereby relieved from all disgrace and disability which occur from his unfortunate and peculiar trial and dismissal from the United States service by a court-martial, and that he be entitled to receive a medal as all other officers and soldiers of this State.

ADOPTED, February 15, 1867.

[No. 17.] Joint Resolution raising a committee to lease the Lancasterian Academy.

Resolved by the Legislature of West Virginia, That a committee of five, consisting of two from the Senate and three from the House of Delegates, be appointed on behalf of the State, to contract for an extension of the lease of the Lancasterian Academy for a term of two years, in acceptance of the conditions of the former contract.

ADOPTED, February 16, 1867.

[No. 18.] Joint Resolution providing for the publication of a certain proclamation with the acts of 1867.

Resolved by the Legislature of West Virginia, That the clerk of the House of Delegates be instructed to have published with the acts of the present session, the proclamation of the governor bearing date on the tenth day of July, eighteen hundred and sixty-six, announcing the result of the vote on the amendment to the constitution of this State.

ADOPTED, February 22, 1867.

[No. 19.] Joint Resolution proposing to celebrate the anniversary of Washington's birthday.

Resolved by the Legislature of West Virginia, That we will celebrate the memory of George Washington, on this, the twenty-second instant, by causing his farewell address to be read in joint session in the hall of the House of Delegates, at half past eleven o'clock this A. M.

ADOPTED, February 22, 1867.

[No. 20.] Joint Resolution allowing J. J. Kuhn credit for claims against the State of West Virginia.

Resolved by the Legislature of West Virginia, That the auditor be and is

hereby instructed to allow James J. Kuhn, late sheriff of Brooke county, credit for all claims against the State in settlement of accounts, if found correct.

ADOPTED, February 23, 1867.

[No. 21.] Joint Resolution relating to the assessment of lands in Nicholas county.

WHEREAS, Owen Duffy made an assessment of the valuation of the real estate of Nicholas county under an appointment of the board of supervisors of said county, under the provisions of an act passed February twenty-first, eighteen hundred and sixty-six, entitled "An act to provide for the re-assessment of the value of all the real estate within this State," and about the time he finished his books, was taken sick and died without swearing to his books as required by the said act, and the book was so returned to the auditor's office; therefore,

Resolved by the Legislature of West Virginia, That the said book be received as a proper valuation, without requiring the same to be sworn to; and further that the auditor is authorized to pay to the personal representative of Owen Duffy, deceased, the account for his services in such re-valuation, when presented for payment, duly sworn to by said personal representative, and approved by the board of supervisors of said county.

ADOPTED, February 26, 1867.

[No. 22.] Joint Resolution requesting the members of Congress from this State to vote for a bill to compensate the loyal citizens of West Virginia, for losses sustained during the rebellion.

Resolved by the Legislature of West Virginia, That our Senators be instructed, and our representatives in Congress be requested to vote for a bill requiring the secretary of the United States treasury to pay the loyal citizens of the State of West Virginia, for all the losses they sustained during the rebellion.

ADOPTED, February 26, 1867.

[No. 23.] Joint Resolution relating to the preparation of the Code of West Virginia.

WHEREAS, it is absolutely necessary to the due administration of justice in this State that the "Code of West Virginia" should be completed and published at the earliest period; therefore,

Resolved by the Legislature of West Virginia,

1. That the governor be and he is hereby authorized to appoint one or more, not exceeding three, revisors of the said Code, whose duty it shall be to proceed with all possible dispatch to complete the balance of said Code not yet reported to this body by the present revisor.

2. In case the said revisors shall be able to complete the said Code in time for the action of the legislature at a called session to be commenced on the last Tuesday of October next, they shall report that fact to the governor, and in such case the governor is hereby requested to call the legislature together to act thereon.

3. The governor is hereby authorized to contract with the said revisors for the preparation of said Code, and fix their compensation therefor. The said revisors shall cause three hundred copies of each chapter of their report to be printed by the public printer as soon as completed, and it shall be the duty of said printer to send by mail or otherwise one copy thereof to each of the members of the present legislature.

ADOPTED, February 27, 1867.

[No. 24.] Joint Resolution relating to the assessment of taxes on Real Estate for 1867.

Resolved by the Legislature of West Virginia, That the taxes on real estate within this State for the year eighteen hundred and sixty-seven, shall be charged on the value thereof as the same appears upon the land books made out and returned by the assessors for the year eighteen hundred and sixty-six, and not upon the re-assessment of such real estate made under the act passed February twenty-first, eighteen hundred and sixty-six, entitled "An act to provide for a re-assessment of the value of all the real estate within this State." Provided, that the board of supervisors of any county in which the value of the real estate has been increased by such re-assessment, may by resolution entered of record, direct the assessor of each assessor's district therein to make out the land books of his district, and charge the lands therein with taxes upon the value thereof as shown by such re-assessment. And it shall be the duty of every such assessor to make out his land books accordingly.

ADOPTED, February 27, 1867.

[No. 25.] Joint Resolution relating to the sale of the National Armory grounds at Harper's Ferry.

Resolved by the Legislature of West Virginia, That our Senators and Representatives in Congress be and are hereby instructed to procure the passage of a bill for the sale of the public grounds where the National Armory was located, at Harper's Ferry in this State.

ADOPTED, February 28, 1867.

[No. 26.] Joint Resolution to provide Commissioners to treat with the authorities of Virginia in regard to the public debt of that State.

Whereas, the general assembly of Virginia, on the twenty-eighth day of February, eighteen hundred and sixty-six, adopted a series of resolutions deeply lamenting the dismemberment of the "Old State," and declaring a sincere desire to establish and perpetuate the reunion of the States of Virginia and West Virginia, and appealing to their brethren of West Virginia to concur with them in the adoption of suitable measures of co-operation in restoration of the ancient Commonwealth of Virginia with all her people and up to her former boundaries, and further providing for the appointment of three commissioners with authority to treat on the subject of the restoration of the State of Virginia to its ancient jurisdiction and boundaries, and further em-

powering said commissioners to treat with the authorities of the State of West Virginia upon the subject of a proper adjustment of the public debt of the State of Virginia due or incurred previous to the dismemberment of the State ;

And whereas, commissioners have been appointed on the part of the State of Virginia, pursuant to and for the purposes named in the resolutions aforesaid;

And whereas, the citizens of West Virginia deeply regret the civil strife, (for which they are in no way responsible), in the midst of which they secured their State organization, yet they regard their separate State existence of the most vital importance to them, and have no purpose or intention whatever of reuniting with the State of Virginia ;

And whereas, the citizens of this State are not only willing but deeply anxious that a prompt and equitable settlement should be made between the State of Virginia and West Virginia, and they greatly regret that the State of Virginia has interposed a difficulty by the institution of a suit against this State to recover jurisdiction over the counties of Berkeley and Jefferson, which they fear will delay such settlement ; therefore,

Resolved by the Legislature of West Virginia :

1. That the people of this State are unalterably opposed to a reunion of this State with the State of Virginia, and will not entertain any proposition looking to that end.

2. That so soon as the suit of Virginia against this State, now pending in the Supreme Court of the United States, to recover jurisdiction over the counties of Berkeley and Jefferson, has been finally disposed of, the governor of this State appoint three commissioners on the part of this State to treat with the commissioners appointed by the State of Virginia upon the adjustment of the public debt of said State, as provided in section nine of "An ordinance to provide for the formation of a new State," adopted by a convention of the people of Virginia on the twentieth day of August, eighteen hundred and sixty-one, and in section eight of article eight of the constitution of West Virginia, and report their action to the governor, to be by him communicated to the Legislature of this State for their approval or disapproval.

ADOPTED, February 28, 1867.

By His Excellency Arthur I. Boreman, Governor of West Virginia:

A PROCLAMATION.

In pursuance of section six of the "Act to provide for submitting to the people of West Virginia the proposed Amendment to the Constitution of the State," passed February twenty-eight, eighteen hundred and sixty-six, the governor, secretary of the state, auditor and treasurer have this day opened the envelopes containing the returns of the election held on the twenty-fourth day of May last, by virtue of the act aforesaid, and have counted and compared the votes therein certified. A certificate of the result has been filed in the office of the secretary of the state, and recorded in the executive journal. From this certificate it appears that at the said election on the proposed amendment to the constitution of the State, twenty-two thousand two hundred and twenty-four votes were cast For Ratification and fifteen thousand three hundred and two votes were cast For Rejection.

It thus appearing from said returns that a majority of the votes cast at said election were for ratification of said proposed amendment, I, Arthur I. Boreman, governor of the State of West Virginia, as required by law, do hereby declare the following provision and language, to-wit:

"No person who since the first day of June, one thousand eight hundred and sixty-one, has given or shall give voluntary aid or assistance to the rebellion against the United States, shall be a citizen of this State, or be allowed to vote at any election held therein, unless he has volunteered into the military or naval service of the United States, and has been or shall be honorably discharged therefrom,"

To be a part of the constitution of this State, to be added at the end of the first section of the third article thereof, and in force as such from the twenty-fourth day of May, one thousand eight hundred and sixty-six.

In testimony whereof, I have hereunto set my hand and caused the seal of the State to be affixed, at the Capitol, in the city of Wheeling, [L. s.] this tenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, and of the State the fourth.

(Signed)

ARTHUR I. BOREMAN.

By the Governor:

(Signed) GRANVILLE D. HALL,

Secretary of the State.

STATE OF WEST VIRGINIA, }
OFFICE SECRETARY OF THE STATE. }

I, John S. Witcher, secretary of the State aforesaid, certify that the foregoing is a correct transcript from the original on file in my said office at Wheeling, this 9th day of April, 1867.

Teste: JOHN S. WITCHER,
Secretary of the State.

CORPORATIONS.

GOOSE CREEK AND ROCK CAMP OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Goose Creek and Rock Camp Oil Company,' for the purpose of mining for oil, coal and other minerals, preparing and transporting the same to market, and of acquiring and enjoying all such rights and privileges, powers and immunities as are conferred by an act of the legislature of the commonwealth of West Virginia, entitled 'An Act providing for the formation of corporations and regulating the same,' passed October twenty-sixth, eighteen hundred and sixty-three; which corporation shall keep its principal office at Ellenboro, in the county of Ritchie, and is to expire on the fifteenth day of November, A. D. one thousand eight hundred and eighty-five. And for the purpose of forming said corporation we have subscribed the sum of fifteen thousand dollars to the capital thereof, and have paid in on said subscription the sum of fifteen thousand dollars; and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred and fifty thousand dollars (\$150,000) in all. The capital so subscribed is divided into shares of one dollar each, which are held by the undersigned respectively as follows, that is to say: By Isaac Shanneman, of the city of Reading, in the county of Berks, and state of Pennsylvania, three thousand shares; by Joseph G. Huyett, of the city of Reading, in the county of Berks, and state of Pennsylvania, three thousand shares; by Richard Lechner, of the township of —, in the county of Lebanon, and state of Pennsylvania, three thousand shares; by Simon J. Stine, of the borough of Lebanon, in the county of Lebanon, and state of Pennsylvania, three thousand shares; by John W. Simonton, of the city of Harrisburg, in the county of Dauphin, and state of Pennsylvania, three thousand shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fifteenth day of December, A. D., one thousand eight hundred and sixty-five.

[Signed,]

ISAAC SHANNEMAN,
JOSEPH G. HUYETT,
RICHARD LECHNER,
SIMON J. STINE,
J. W. SIMONTON."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifteenth day of November, eighteen hundred and eighty-five, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this seventeenth day of January, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

CLARKSBURG AND WHITE OAK OIL AND MINING COMPANY OF WEST VIRGINIA.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Clarksburg and White Oak Oil and Mining Company of West Virginia,' for the purpose of producing and manufacturing, on White Oak Fork of Walker's Creek, in Wood county, West Virginia, petroleum or rock oil and all products of the same, and for the further purpose of manufacturing any articles that may be necessary to its production, retention, transportation and sale; and also for mining and such other purposes as shall be necessary; which corporation shall keep its principal office at Clarksburg, in the county of Harrison, and is to expire on the sixth day of January, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of one hundred thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of twelve thousand dollars. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say: by William S. Robinson, one thousand three hundred shares; James H. Stewart, six hundred shares; Truman Elliott, two hundred shares; Fayette W. Martin, two hundred shares; Daniel Boughner, one hundred shares; Lemuel D. Ferguson, one hundred shares; John W. Ramsey, two hundred shares; George S. Emig, one hundred shares; Hezekiah F. Criss, one hundred shares, Mary M. U. Chapin, one hundred shares, Adam Fisher, one hundred shares; William S. Sumner, one hundred shares; Samuel M. Sommers, four hundred shares; William M. Late, one hundred shares; Thomas A. Finnell, one hundred shares; and Charles L. Dunnington two hundred shares; all of the county of Harrison, and state of West Virginia.

Given under our hands this sixth day of January, eighteen hundred and sixty-six.

[Signed,]

WILLIAM S. ROBINSON,
 TRUMAN ELLIOTT,
 F. W. MARTIN,
 D. BOUGHNER,
 L. D. FERGUSON,
 C. L. DUNNINGTON,
 H. F. CRISS,
 MARY M. U. CHAPIN,
 (by V. P. Chapin, her agent and at-
 torney in fact.)
 WILLIAM M. LATE,
 S. M. SOMMERS,
 THOMAS A. FINNELL,
 GEORGE S. EMIG,
 D. W. RAMSEY,
 J. H. STEWART,
 WILLIAM S. SUMNER,
 ADAM FISHER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the sixth day of January, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my had and the great seal of the said State, at Wheeling, this seventeenth day of January, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

KINGWOOD GAS COAL AND IRON COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Kingwood Gas Coal and Iron Company,' for the purpose of mining coal, manufacturing lumber, iron and other products of the lands and selling the same. Which corporation shall keep its principal place of business at the city of Baltimore, and is to expire on the tenth day of December, in the year eighteen hundred and eighty-five. And for the purpose of forming said corporation we have subscribed the sum of five hundred thousand dollars as the capital thereof, and have paid said subscription by obligations to convey to said company immediately on the receipt of the grant of incorporation by a duly authenticated certificate from the secretary of state of West Virginia, seventeen hundred and eighty (1780) acres of land, with all the buildings, machinery and improvements thereon, owned by us and situated in Preston county and State of West Virginia, lying contiguous to and binding for nearly three-fourths of a mile on the north margin of the Baltimore and Ohio Railroad, by a good and sufficient deed of general warranty, free of all incumbrance save and except a lien of (\$1900) nineteen hundred dollars, for which sum there has yet been no qualified receiver. The capital so subscribed is divided into twenty thousand shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say: William S. Rayner, Baltimore, Maryland, four thousand shares; James L. Sutton, Baltimore, Maryland, two thousand shares; Peter W. Sheaffer, Pottsville, Pennsylvania, two thousand shares; William Kendrick, Pottsville, Pennsylvania, two thousand shares; Peter D. Luther, Pottsville, Pennsylvania, two thousand shares; Edward Jessop, York, Pennsylvania, two thousand shares; John J. Dovey, Philadelphia, Pennsylvania, two thousand shares; Henry Kauffelt, York, Pennsylvania, one thousand shares; Arthur B. Farquhar, York, Pennsylvania, one thousand shares; Cornelius Slack, Mount Savage, Maryland, one thousand three hundred and thirty-three shares; James B. Thomas, Mount Savage, Maryland, six hundred and sixty-seven shares.

Given under our hands this thirteenth day of December, eighteen hundred and sixty-five.

[Signed,]

WILLIAM S. RAYNER,
JAMES L. SUTTON,
EDWARD JESSOP,
HENRY KAUFFELT,
A. B. FARQUHAR,
P. W. SHEAFER,
WILLIAM KENDRICK,
PETER D. LUTHER,
JOHN J. DOVEY,
CORNELIUS SLACK,
JAMES B. THOMAS."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of December, eighteen hundred and eighty-five, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this eighteenth day of January, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

HARTFORD CITY BARREL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Hartford City Barrel Company,' for the purpose of purchasing and holding land in the State of West Virginia, or leasing the same, with wood privileges, for erecting saw mills or stave machines and other necessary buildings thereon, and manufacturing staves or cooper stuff, and barrels of every description for market, and vending the same. Which corporation shall keep its principal office or place of business in the town of Hartford City, Mason county, West Virginia, and is to expire on the first day of January, eighteen hundred and eighty-four. And for the purpose of forming said corporation we have subscribed the sum of ten thousand dollars (\$10,000) to the capital thereof, and have paid in on said subscription the sum of one thousand dollars (\$1000) and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand dollars (\$50,000) in all. The capital so subscribed is divided into shares of one hundred dollars (\$100) each, which are held by the undersigned respectively as follows, that is to say: By R. L. Winkleblack, of Hartford City, Mason county, West Virginia, twenty-five shares; Reuben Douglas, of Jackson county, West Virginia, twenty shares; Alfred Douglas, of Jackson county, West Virginia, ten shares; Albert F. McCown, of Mason county, West Virginia, ten shares; Thomas Bumgarner, of Mason county, West Virginia, ten shares; William Bumgarner, of Mason county, West Virginia, ten shares; W. W. Allis, of Meigs county, Ohio, five shares, and George W. Moredock, of Mason county, West Virginia, ten shares. And the capital to be hereafter sold to be divided into shares of like amount.

Given under our hands this the first day of January, eighteen hundred and sixty-six.

[Signed,]

R. L. WINKLEBLACK,
REUBEN DOUGLAS,
A. F. MCCOWN,
ALFRED DOUGLAS,
THOMAS BUMGARNER,
WILLIAM BUMGARNER,
WALTER W. ALLIS,
GEO. W. MOREDOCK."

Wherefore, the corporators named in the said agreement, and who have

signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-four, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the City of Wheeling, this twenty-seventh day of January, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

MARTINSBURG ACADEMY ASSOCIATION.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Martinsburg Academy Association,' for the purpose of purchasing land and erecting buildings thereon for the proper establishment of a seminary of learning and to provide suitable instructors therefor, in the town of Martinsburg, W. Va. Which corporation shall keep its principal office or place of business at Martinsburg in the county of Berkeley, and State aforesaid, and is to expire at the will of two-thirds vote of the corporation, unless sooner dissolved by law. And for the purpose of forming the said corporation we have subscribed the sum of fourteen hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, as we may desire, to fifteen thousand dollars in all. The capital so subscribed is divided into shares of fifty dollars each, one-fifth of each share to be paid at the time of subscribing and the remaining four-fifths in four equal payments in three, six, nine and twelve months thereafter. Which said subscribed shares are held by the undersigned respectively as follows: Jonathan Strine, ten shares, \$500,00; Henry Fleischman, two shares, \$100,00; Jacob Strine, two shares, \$100,00; Jas. A. Boyd, two shares, \$100,00; G. R. Wisong, two shares, \$100,00; Wm. Wilen, one share \$50,00; John N. Abell, one share, \$50,00; James W. Robinson, one share, \$50,00; J. H. Swope, one share, \$50,00; William Dorsey, one share, \$50,00; Luther Miller, one share, \$50,00; W. Edwards, one share, \$50,00; L. A. Luce, one share, \$50,00; D. Darby, one share, \$50,00. All of Martinsburg, in the county of Berkeley, State of W. Va. And the capital to be hereafter sold is to be divided into shares of like amount. Given under our hands this twenty-third day of January, eighteen hundred and sixty-six.

[Signed,]

W. EDWARDS,
JOHN N. ABELL,
JOHN H. SWOPE,
HENRY FLEISCHMAN,
WILLIAM WILEN,
JACOB STRINE,
WM. DORSEY,

JAMES W. ROBINSON,
JONATHAN STRINE,
L. A. LUCE,
GEO. R. WISONG,
DENNIS DARBY,
LUTHER MILLER,
JAS. A. BOYD."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be a corporation by the name and for the purposes set forth in the said agreement, until dissolved as therein provided.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-ninth day of January, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE BELMONT NAIL WORKS COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Belmont Nail Works Company,' for the purpose of manufacturing iron generally, and converting into pig iron, nails or other forms in which iron is sold and used. Which corporation shall keep its principal office or place of business at the city of Wheeling, Ohio county, West Virginia, and is to expire on the twentieth day of December, eighteen hundred and eighty-five. And for the purpose of forming said corporation we have subscribed the sum of two hundred and six thousand four hundred dollars (\$206,400,00) to the capital thereof, and have paid in on said subscriptions, the sum of one hundred and three thousand two hundred dollars (\$103,200,00) and desire the privilege of increasing the said capital by sales of additional shares from time to time to four hundred and twelve thousand eight hundred dollars in all. The capital so subscribed is divided into shares of eight hundred dollars each, which are held by the undersigned respectively as follows: that is to say by Henry Moore, of Baltimore, Maryland, sixty-five shares; by said Moore, trustee for Daniel O'C. Quinlan, ten shares; by said Moore, trustee for Mary Frances Lehr, five shares; by Robert Lehr, of Baltimore, Maryland, fifty-eight shares; by Jacob Brandt, of Baltimore, Maryland, twenty-five shares; by Jacob Snyder, of Wheeling, West Virginia, twenty-five shares; by Joseph D. Dubois, of Wheeling, West Virginia, twenty-five shares; by John P. Gilchrist, of Wheeling, West Virginia, twenty-five shares; by Thomas Burke, of Wheeling, West Virginia, six shares; by Nicodemus Reister, of Wheeling, West Virginia, six shares; by Abram Sprucebank, of Wheeling, West Virginia, two shares; by James Farrell, of Wheeling, West Virginia, two shares; by Francis Gruebler, of Wheeling, West Virginia, two shares; and by Washington Rumble, of Wheeling, West Virginia, two shares. And the capital to be hereafter sold is to be divided into shares of like amount. Given under our hands this thirteenth day of December, eighteen hundred and sixty-five.

[Signed,]

| | |
|------------------------------|---------------------|
| HENRY MOORE, | NICODEMUS REISTER, |
| HENRY MOORE, | ABRAM SPRUCEBANK, |
| Trustee for D. O'C. Quinlan, | JAMES FARRELL, |
| HENRY MOORE, | FRANK GRUBLER, |
| Trustee for Mary F. Lehr, | ROBERT LEHR, |
| JACOB SNYDER, | JACOB BRANDT, JR. |
| JOSEPH D. DUBOIS, | WASHINGTON RUMBLE." |
| JOHN P. GILCHRIST, | |
| THOMAS BURKE, | |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twentieth day of

December, eighteen hundred and eighty-five, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this twenty-ninth day of January, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE WHITAKER IRON COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of ‘The Whitaker Iron Company,’ for the purpose of smelting iron ores and manufacturing rails and spikes for railroads, nails, sheet iron, hoop, rod and bar iron, galvanizing iron, and the manufacture of rolled iron generally; which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, and is to expire on the first day of February, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of one hundred and fifty-one thousand dollars to the capital thereof, and have paid in on said subscription the sum of one hundred thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars in all. The capital subscribed is divided into shares of one hundred dollars (\$100) each; which are held by the undersigned respectively as follows, that is to say: by George P. Whitaker, of Cecil county, in the state of Maryland, six hundred and eighty (680) shares; by Nelson E. Whitaker, of the city of Wheeling, and state of West Virginia, three hundred and forty (340) shares; by Henry C. Whitaker, of the city of Wheeling, and state of West Virginia, three hundred and forty (340) shares; by Lot H. Joy, of the city of Wheeling, and state of West Virginia, (100) shares; and by Benjamin Rowley, of the city of Wheeling, and State of West Virginia, fifty (50) shares. And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands this first day of February, eighteen hundred and sixty-six.

[Signed,]

G. P. WHITAKER,
NELSON E. WHITAKER,
HENRY C. WHITAKER,
LOTT H. JOY,
BENJAMIN ROWLEY.”

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of February, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

COMPTON OIL AND MINING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Compton Oil and Mining Company,' for the purpose of mining or boring for oil or other minerals, obtaining and marketing the same; which corporation shall keep its principal office or place of business at Parkersburg in the county of Wood, and is to expire on the first day of February, eighteen hundred and eighty-six. And for the purpose of forming the said corporation, we have subscribed the sum of thirty thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of thirty thousand dollars in property, and desire the privilege of increasing the capital by sales of additional shares from time to time to three hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each; which are held by the undersigned respectively as follows, that is to say: by R. K. Randolph, Parkersburg, seventy shares; J. M. Wallace, New York, seventy shares; I. J. Vanderwater, Harmar, O., five shares; R. H. How, Parkersburg, eighty shares; A. Gunnison, Parkersburg, seventy-five shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this thirty-first day of January, eighteen hundred and sixty-six.

[Signed,]

R. K. RANDOLPH,
JOHN M. WALLACE.
(per Robert H. How, attorney in fact,)
I. J. VANDERWARKER,
ROBERT H. HOW,
A. GUNNISON."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this third day of February, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE PARKERSBURG FEMALE ACADEMY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Parkersburg Female Academy,' for the purpose of educating females in all the various branches of learning as taught in other female academies of high grade. Which corporation shall keep its principal office or place of business at the proposed academy, in the county of Wood and State of West Virginia, and is to be perpetual. And for the purpose of forming the said corporation, we have subscribed the sum of ten thousand dollars to the capital thereof, and have paid on said subscriptions the sum of ten thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by J. C. Rathbone, twenty shares; by Michael Kelly, twenty shares; by Matthew Campbell, twenty shares; by H. F. Park, twenty shares; all of Parkersburg, West Virginia; and by R. V. Wheelan, of Wheeling, West Virginia, twenty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this second day of February, eighteen hundred and sixty-six.

[Signed,]

RICHARD V. WHEELAN,
H. F. PARK,
J. C. RATHBONE,
M. KELLY,
M. CAMPBELL."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great Seal of the said State, at the city of Wheeling, this eighth day of February, eighteen hundred and sixty-six.

SEAL.

GRANTVILLE D. HALL,
Secretary of the State.

THE SAVINGS BANK OF MARTINSBURG.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The State of West Virginia, Berkeley county, ss:

"The undersigned agree to become a corporation by the name of 'The Savings Bank of Martinsburg,' for the purpose of receiving deposits, of purchasing or discounting bonds, bills, notes, or other paper, gold and silver coins, stocks and bullion. Which corporation shall keep its principal place of business at Martinsburg, in the county of Berkeley, in the State of West Virginia, and is to expire on the first day of January, A. D. eighteen hundred and eighty-six (1886). And for the purpose of forming said corporation we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of five hundred dollars; and desire the privilege of increasing the said capital by sale of additional shares from

time to time to two hundred thousand dollars (\$200,000) in all. The capital so subscribed is divided into shares of ten dollars (\$10) each, which are held by the undersigned respectively as follows, that is to say: by James Matthews, of Martinsburg, seventy-one (71) shares; John G. Wilson, of Martinsburg, seventy-four (74) shares; S. H. Martin, of Martinsburg, seventy-one (71) shares; John W. Houseworth, of Martinsburg, seventy-one (71) shares; Darius Darby, of Martinsburg, seventy-one (71) shares; Henry M. Couchman, of Martinsburg, seventy-one (71) shares; Henry Wollet, of Martinsburg, seventy-one (71) shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this second day of February, A. D. eighteen hundred and sixty-six.

[Signed,]

JNO. G. WILSON, M. D.,
 JAMES MATHEWS,
 S. H. MARTIN,
 JOHN W. HOUSEWORTH,
 DARIUS DARBY,
 HENRY M. COUCHMAN,
 HENRY WOLLET."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this eighth day of February, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

WHEELING PETROLEUM COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Wheeling Petroleum Company,' for the purpose of procuring property in the county of Ohio, State of West Virginia and elsewhere, and upon said property to bore mine or excavate for coal, salt, coal, rock, carbon or petroleum oils, or any other minerals or mineral substances or fluids, which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and it is to expire on the fifteenth day of February, Anno Domini, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of nine thousand dollars to the capital thereof and have paid in on said subscription the sum of ten per cent thereof, and desire the privilege of increasing the said capital by sales of additional shares from time to time to two hundred and fifty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively, as follows, that is to say: by David Wagner, of Belmont county, Ohio, forty shares; by Isaac H. Williams, of

Wheeling, W. Va., twenty shares; by Joseph A. Metcalf, of Wheeling, forty shares; by Alexander G. Robinson, of Wheeling, forty shares; by Frederick DeHaan, of Pittsburg, Penn'a, forty shares; by William H. Harvey, of Wellsburg, W. Va., one hundred and twenty shares; by John K. Botsford, of Wheeling, twenty shares, and by Charles F. Scott, of Wellsburg, W. Va., forty shares; and the capital to be hereafter sold is to be divided into shares of the like amount. Given under our hands this fifteenth day of February, eighteen hundred and sixty-six.

[Signed,]

D. WAGENER,
I. H. WILLIAMS,
JOSEPH A. METCALF,
A. G. ROBINSON,
F. DEHAAN,
Per J. A. Metcalf,
WM. H. HARVEY,
JOHN K. BOTSFORD,
CHARLES F. SCOTT.

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifteenth day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State at the city of Wheeling, this fifteenth day of February, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

STURGEON OIL COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Sturgeon Oil Company,' for the purpose of mining for oil and other minerals, which corporation shall keep its principal office or place of business at Wheeling in the county of Ohio, State of West Virginia, and is to expire on the seventeenth day of February, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of twenty six hundred and twenty-five dollars to the capital thereof, and have paid in on said subscriptions the sum of two hundred and sixty two 50-100 dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of twenty-five (25) dollars each which are held by the undersigned respectively as follows, that is to say: Jesse B. Mellor, of Wheeling, W. Va. fourteen shares; Richard J. Porter, of Wheeling, W. Va. fourteen shares; Philander C. Hildreth, of Wheeling, W. Va., twenty-eight shares; Charles H. Berry of Wheeling, W. Va., twenty-eight shares; John H. Stallman, of Wheeling, West Va., twenty-one shares; and the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this seventeenth day of February, eighteen hundred and sixty-six.

[Signed,]

CHAS. H. BERRY,
R. J. PORTER.
JESSE B. MELLOR,
PHILANDER C. HILDRETH,
J. H. STALLMAN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the seventeenth day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the City of Wheeling, this twentieth day of February, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

OAKLAND MILL OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Oakland Mill Oil Company,' for the purpose of boring for oil, salt water and other minerals, shafting for coal, iron, or other substances obtained in that way, and manufacturing the same and carrying them to market, for leasing, purchasing and possessing the same, for selling, sub-leasing and working said possessions. Which corporation shall keep its principal office or place of business in New Cumberland, Hancock county, West Virginia, and is to expire on the first day of February, one thousand eight hundred and eighty-six. And for the purpose of forming the said corporation, we have subscribed the sum of three thousand dollars, and have paid on said subscription the sum of one thousand dollars of the said capital thereof, and desire the privilege of increasing the said capital by sale of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned respectively as follows, that is to say: by Peter G. Headly, one hundred dollars; N. B. Grafton, one hundred dollars; F. A. Parker, one hundred dollars; William A. Jones, two hundred dollars; George W. Beaumont, one hundred dollars; John Bradley, one hundred dollars; Jeremiah E. Smith, one hundred dollars; George Stewart, one hundred dollars; James Evans, two hundred dollars; all of Hancock county, West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this second day of February, eighteen hundred and sixty-six.

[Signed,]

N. B. GRAFTON,
FRED. A. PARKER,
PETER G. HEADLY,
JOSHUA BRADLEY,
WILLIAM A. JONES,

JEREMIAH E. SMITH,
JAMES D. EVANS,
G. W. BEAUMONT,
GEORGE STEWART."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date until the first day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-third day of February, eighteen hundred and sixty-six.

SEAL

GRANVILLE D. HALL,
Secretary of the State.

NATIONAL INSURANCE COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'National Insurance Company,' for the purpose of insuring against all marine risks and against any damage or loss by fire or by any other liability, casualty or hazard upon any and every kind of property, real and personal or mixed; to make insurance on lives; to grant annuities; to receive endowments; to contract for reversionary payments; to guarantee the payment of promissory notes, bills of exchange, and other evidences of debt; to lend money on bottomry and respondentia; to cause themselves to be insured against all risks they may have in any property or lives in their own right or in virtue of any bonds or advances or of any policy or contract of insurance; to invest its capital stock or other funds of the company in bank or other stocks, in the purchase of bonds issued by this State, the United States, or any one of the United States, or the bonds of any incorporated company; to lend money upon personal or real security; to discount notes and bills of exchange and receive the interest in advance; to pay interest upon money deposited with them and give certificates therefor, and all other things deemed necessary to carry on a general insurance business. Which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and State of West Virginia, and is to expire on the first day of February, eighteen hundred and eighty-six. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned respectively as follows, that is to say: by John E. Wilson, four shares; Joseph Bell, four shares; Alexander C. Quarrier, four shares; William T. Singleton, four shares; John Bishop, four shares; all of the city of Wheeling, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-second day of February, eighteen hundred and sixty-six.

[Signed,]

JOHN E. WILSON,
JOSEPH BELL,
A. C. QUARRIER,

W. T. SINGLETON,
JOHN BISHOP."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-third day of February, eighteen hundred and sixty-six.

SEAL

GRANVILLE D. HALL,
Secretary of the State.

SLAB CREEK OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Slab Creek Oil Company,' for the purpose of boring and mining for oil, coal and other minerals, preparing them for market, transporting the same to suitable market, and selling and disposing of the same; which corporation shall keep its principal office in the city of Parkersburg, county of Wood and state of West Virginia, and is to expire on the twenty-fourth day of February, A. D., one thousand eight hundred and eighty-six (1886). And for the purpose of forming the said corporation we have subscribed the sum of twenty-five thousand dollars to the capital stock thereof, and have paid in on said subscriptions the sum of two thousand and five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned respectively as follows, that is to say: by Edmund P. Chancellor, of Parkersburg, West Virginia, three hundred and fifty shares; T. Worton Matthews, of Parkersburg, West Virginia, three hundred and fifty shares; Lewis N. Logan, of Parkersburg, West Virginia, three hundred and twenty-five shares; Franklin Meade, of Littleton, Massachusetts, one hundred and seventy-five shares; and James R. Lowther, of Ritchie county, West Virginia, fifty shares; in all one thousand two hundred and fifty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this first day of February, eighteen hundred and sixty-six.

[Signed,]

E. P. CHANCELLOR,
T. W. MATHEWS,
L. N. LOGAN,
FRANKLIN MEADE,
JAMES R. LOWTHER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fourth day of February, eighteen hundred and eighty-eight, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fourth day of February, eighteen hundred and sixty-six.

SEAL

GRANVILLE D. HALL,
Secretary of the State.

ÆTNA FIRE AND MARINE INSURANCE COMPANY OF WHEELING.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Ætna Fire and Marine Insurance Company of Wheeling,' for the purpose of insuring against all marine risks and against any damage or loss by fire, or by any other liability, casualty or hazard upon any and every kind of property, real, personal or mixed; to guarantee the payment of promissory notes, bills of exchange and other evidences of debt; to cause themselves to be insured against all risks upon the interests they may have in any property in their own right or by virtue of any loan or loans or advances, or of any policy or contract of insurance; to insure the lives of persons and to cause themselves to be re-insured upon any and all such lives they may insure; to grant annuities; to invest its capital stock or other funds in bank or other stocks, in the purchase of bonds issued by this State or by any county of this State, or any issued by the United States, or those issued by any incorporated company; to lend money upon personal or real security; to discount notes and bills of exchange and to receive the interest thereon in advance at the rate of one-half of one per centum for every thirty days, and to pay interest on money deposited with them, and give certificate therefor. Which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the twenty-fourth day of February, eighteen hundred and eighty-six; and for the purpose of forming the said corporation we have subscribed the sum of eleven thousand dollars (\$11,000) to the capital thereof, and have paid in on said subscriptions the sum of eleven hundred dollars (\$1,100), and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars (\$500,000) in all. The capital so subscribed is divided into shares of one hundred dollars (\$100) each, which are held by the undersigned respectively as follows, that is to say: by Robert McCabe, of Wheeling, West Virginia, twenty (20) shares; Augustus Pollack, of Wheeling, West Virginia, twenty-five (25) shares; Truman M. Dodson, of Wheeling, West Virginia, twenty-five (25) shares; Thomas J. Campbell, of Wheeling, West Virginia, fifteen (15) shares; and Charles H. Berry, of Wheeling, West Virginia, twenty-five (25) shares; and the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands at Wheeling, this twenty-fourth day of February, eighteen hundred and sixty-six.

[Signed,]

R. A. McCABE,
TRUMAN M. DODSON,
AUGUSTUS POLLACK,

THOMAS J. CAMPBELL,
CHARLES H. BERRY."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fourth day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fourth day of February, eighteen hundred and sixty-six.

SEAL

GRANVILLE D. HALL,
Secretary of the State.

THE SARGENT COAL COMPANY, OF WEST VIRGINIA.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Sargent Coal Company of West Virginia,' for the purpose of digging or boring for oil, salt and other medicinal or mineral or vegetable fluid in the earth, mining coal and other minerals and for the purpose of refining, purifying and manufacturing the same or any part thereof, and also for the purpose of manufacturing and sawing lumber, in the county of Mason, West Virginia. And which corporation shall keep its principal place of business of boring, digging, mining, refining, purifying and manufacturing in the town of Sargentsville, in said Mason county, West Virginia and an office at Cincinnati, Hamilton county, Ohio; and is to expire on the twenty-sixth day of February, A. D. eighteen hundred and eighty-six. And for the purpose of forming said corporation we have subscribed the sum of one hundred and sixteen thousand dollars to the capital thereof, and have paid in the sum of eleven thousand six hundred dollars; and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand (\$500,000) dollars. The capital stock so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, viz: Lemuel H. Sargent, of the city of Cincinnati, Hamilton county, State of Ohio, one thousand (1,000) shares; Thomas J. Biggs of said City of Cincinnati, fifty (50) shares; Obadiah N. Bush of said City of Cincinnati, (5) five shares; Addis E. Chamberlain of said City of Cincinnati, five (5) shares; and Edmund Babb, of the town of Vernon, Jennings County, State of Indiana, one hundred (100) shares; and the capital stock to be sold is to be divided into shares of like amount. Given under our hands and seals this twenty-sixth day of February, eighteen hundred and sixty-six.

[Signed,]

| | |
|--------------------|--------|
| L. H. SARGENT, | [L.S.] |
| THOS. J. BIGGS, | [L.S.] |
| EDMUND BABB, | [L.S.] |
| A. E. CHAMBERLAIN, | [L.S.] |
| O. N. BUSH," | [L.S.] |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-sixth day of February, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of March, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

WIRT PETROLEUM COMPANY.—DISCONTINUANCE.

To the Hon. Secretary of State of West Virginia:

I, George W. Merchant, President of the Wirt Petroleum Company of the State of West Virginia, do hereby certify that the stockholders of said

company in general meeting held at the office of the company on the twenty-first of February, eighteen hundred and sixty-six, a majority of the capital stock being then and there represented, and voted in favor of the same, discontinued the business of the company by adopting the following resolution, to wit:

"In pursuance of section forty of an Act of the legislature of West Virginia, which act is entitled 'An act providing for the formation of corporations and regulating the same,' and which act was passed October twenty-sixth, eighteen hundred and sixty three; it is

"Resolved, that the business of the Wirt Petroleum Company of the State of West Virginia, is hereby discontinued."

In witness whereof, I, George W. Merchant, as President of said company, hereunto set my hand and the common seal of said company, this twenty-second day of February, A. D., eighteen hundred and sixty-six.

[Signed,] GEORGE W. MERCHANT, *President.* [L.S.]

[Endorsed,] "Filed, March 3, 1866."

GREENWOOD CEMETERY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'Greenwood Cemetery,' for the purpose of laying out and beautifying a piece of ground to be purchased hereafter, to be used as a cemetery; which corporation shall keep its office or principal place of business in the city of Wheeling, county of Ohio, State of West Virginia, and is to expire on the third day of March, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of (\$5,750) fifty-seven hundred and fifty dollars, to the capital thereof, and have paid in on said subscriptions the sum of ten per centum on the same, and desire the privilege of increasing the said capital by sale of additional shares from time to time to fifty (\$50,000) thousand dollars in all. The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned respectively as follows, that is to say: J. S. Rhodes, ten shares; E. A. Hildreth, ten shares; Edmund Bocking, ten shares; S. P. Hildreth, ten shares; R. G. Jordan, ten shares; W. M. List, ten shares; Chas. H. Berry, ten shares; James Reed, ten shares; A. W. Campbell, ten shares; George Adams, ten shares; all the foregoing being residents of Wheeling, W. Va.; John G. Muth, of Fulton, W. Va., five shares; P. C. Hildreth, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this third day of March, one thousand eight hundred and sixty-five.

[Signed,]

E. A. HILDRETH,
EDMUND BOCKING,
S. P. HILDRETH,
R. G. JORDAN,
W. M. LIST,
CHAS. H. BERRY,

JAMES REED,
A. W. CAMPBELL,
GEORGE ADAMS,
J. S. RHODES,
JOHN G. MUTH,
P. C. HILDRETH."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the third day of March, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this third day of March, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

NORTH WEST VIRGINIA AGRICULTURAL SOCIETY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'North West Virginia Agricultural Society,' for the purpose of promoting mining, manufacturing, mechanical, horticultural and agricultural arts, or any other purpose advantageously connected therewith. Which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio. And for the purpose of forming the said corporation, we have subscribed the sum of sixteen thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of sixteen hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Curtis P. Brown, Wheeling, West Virginia, thirty-two (32) shares; William F. Peterson, Jr., Wheeling, West Virginia, thirty-two (32) shares; John K. Bottsford, Wheeling, West Virginia, thirty-two (32) shares; Thomas P. Shallcross, Wheeling, West Virginia, thirty-two (32) shares; Alexander Laughlin, Wheeling, West Virginia, thirty-two (32) shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fifth day of March, eighteen hundred and sixty-six.

[Signed,]

CURTIS P. BROWN,
THOS. P. SHALLCROSS,
WILLIAM F. PETERSON,
JNO. K. BOTTSFORD,
ALEX. LAUGHLIN."

Wherefore the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifth day of March, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fifth day of March, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

PEYTONA CANNEL COAL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Peytona Cannel Coal Company,' for the purpose of mining and marketing coal and oil and for manufacturing and selling coal oil; which corporation shall keep its principal office or place of business at the city of New York, in the county and state of New York, and is to expire on the seventeenth day of March, eighteen hundred and eighty-six. And for the purpose of forming said corporation we have subscribed the sum of two hundred and sixty thousand (260,000) dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred and fifty thousand two hundred and fifty (150,250) dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to one million dollars in all. The capital so subscribed is divided into shares of one hundred (100) dollars each, which are held by the undersigned respectively as follows: that is to say, by William H. Aspinwall, of the city of New York, 500 shares; Henry E. Pierrepont, of the city of Brooklyn, 500 shares; Henry A. Dubois, of New Haven, for himself and as agent, 550 shares; Edgar S. Van Winkle, of the city of New York, 200 shares; William Augustus White, of the city of Brooklyn, 240 shares; A. A. Low, of the city of Brooklyn, 160 shares; Peter C. Cornell, of the city of Brooklyn, 150 shares; Francis Vinton, of the city of Brooklyn, 100 shares; David Lydig Suydam, of the city of New York, 100 shares; John S. Howell of the city of New York, 100 shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this seventeenth day of March, A. D. eighteen hundred and sixty-six.

[Signed,]

{ In presence of }
{ Wm. H. LUFF. }

WM. H. ASPINWALL,
HENRY E. PIERREPONT,
HENRY A. DU BOIS,
HENRY A. DU BOIS, Ag't,
D. L. SUYDAM,
WM. AUG. WHITE,
A. A. LOW,
EDGAR S. VAN WINKLE,
PETER C. CORNELL,
FRANCIS VINTON,
JOHN S. HOWELL,
By Henry A. Du Bois, Ag't."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the seventeenth day of March, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this fifth day of March, eighteen hundred and sixty-six.

SEAL

GRANVILLE D. HALL,
Secretary of the State.

THE CHAMPION OIL COMPANY OF WEST VIRGINIA.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Champion Oil Company of West Virginia,' for the purpose of purchasing and leasing oil territory in the State of West Virginia, and for boring, excavating and mining for petroleum, rock or carbon oil, and selling the same; which corporation shall keep its principal office or place of business in the city of Washington, in the District of Columbia, and is to expire on the first day of March, eighteen hundred and eighty-six. And for the purpose of forming said corporation we have subscribed the sum of twenty-five thousand dollars (\$25,000) to the capital thereof, and have paid in on said subscriptions the sum of two thousand five hundred dollars (\$2,500). And the capital so subscribed is divided into five hundred equal shares of fifty dollars (\$50) each, which are held by the undersigned respectively as follows, that is to say: by A. R. Abbott, of Washington, D. C., one hundred and forty (140) shares; David Taylor, of Washington, D. C., one hundred (100) shares; William M. King, of Washington, D. C., one hundred and thirty-five (135) shares; Thomas H. Brown, of Baltimore, Maryland, sixty-three (63) shares; and Allen S. Barnum, of Baltimore, Maryland, sixty-two (62) shares.

Given under our hands this 5th day of March, eighteen hundred and sixty-six.

[Signed,]

ABIAL R. ABBOTT,
WM. M. KING,
T. H. BROWN,
A. S. BARNUM,
DAVID TAYLOR."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of March, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of March, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE EQUITABLE OIL AND MINING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"Commonwealth of Massachusetts,

"Suffolk, ss.,

"City of Boston.

"Be it known that we, the undersigned, in pursuance of and in conformity with the act of the legislature of the State of West Virginia, entitled 'An Act providing for the formation of corporations and regulating the same,' passed

October twenty-sixth, eighteen hundred and sixty-three, and the several acts amendatory thereof and in addition thereto, do hereby agree to become a corporation by the name of 'The Equitable Oil and Mining Company,' for the purpose of mining, manufacturing and vending oils and minerals; which corporation shall keep its principal office or place of business in Boston, aforesaid, and a portion of its business to be transacted in Lewis county, state of West Virginia, and is to expire on the thirty-first day of December, A. D., eighteen hundred and eighty-four. And for the purpose of forming the said corporation we have subscribed the sum of fifty-six thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of fifty-six thousand dollars; and we desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each which are held by the undersigned respectively as follows, that is to say: by Robert H. Waters, one hundred and twenty shares; Luther H. Felton, one hundred and twenty shares; William W. Morland, eighty shares; Henry S. Jones, eighty shares; Richard H. Salter, eighty shares; Francis McLaughlin, forty shares; Joseph A. Laforme, forty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixteenth day of March, eighteen hundred and sixty-six.

[Signed,]

ROBERT H. WATERS,
LUTHER H. FELTON,
WILLIAM W. MORLAND,
HENRY S. JONES,
RICHARD H. SALTER,
FRANCIS McLAUGHLIN,
JOSEPH A. LAFORME."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirty-first day of December, eighteen hundred and eighty-four, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twentieth day of March, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

HUDSON RIVER LUBRICATING OIL CO.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Hudson River Lubricating Oil Co.,' for the purpose of boring, mining or excavating for petroleum or rock oil and for transacting any business which may be necessary, connected with the production and marketing of the same. Which corporation shall have its principal office or place of business at White Oak, Wood county, State of West Virginia, and is to expire on the sixteenth day of

October, A. D. eighteen hundred and eighty. And for the purpose of forming the said corporation we have subscribed the sum of fifty thousand dollars, to the capital thereof, the same having been paid in full; and desire the privilege of increasing the said capital by sales of additional shares from time to time, to four hundred thousand dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by Chrs. H. J. Miller, two thousand shares at one hundred dollars each, (2000 shares); John Atwater, eight hundred (800 shares) shares; Jesse Shepherd, four hundred (400 shares) shares; Beverly Smith, two hundred (200 shares) shares; Nelson Moses, two hundred (200 shares) shares; J. C. Buell, two hundred (200 shares) shares; The Logan Oil Co., two hundred (200 shares) shares; of which fifty thousand dollars have been paid in full, and are divided according to the aforementioned pro rata amount, and stocks for that amount have been divided amongst the members and corporators; and the capital to be hereafter raised is to be divided into shares of like amount. The stock of three hundred and fifty thousand dollars to be divided into shares of the like amount also.

Given under our hands this twenty-third day of January, eighteen hundred and sixty-six.

[Signed,]

CHRS. H. J. MILLER,
JOHN ATWATER,
By N. Moses, Att'y in fact.
NELSON MOSES,
LOGAN OIL COMPANY,
Per J. E. French, Att'y in fact.
J. C. BUELL,
Per J. E. French, Att'y in fact.
JESSE SHEPHERD,
BEVERLY SMITH."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date until the sixteenth day of October, eighteen hundred and eighty, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the City of Wheeling, this twenty-third day of March, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

NONPAREIL OIL COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Nonpareil Oil Company.' for the purpose of boring, mining or excavating for petroleum or rock oil, and for transacting any business which may be necessary, connected with the production and marketing the same. Which corporation shall keep its principal office or place of business at Parkersburg, Wood county, West Virginia, and is to expire on the sixth day of November,

eighteen hundred and eighty. And for the purpose of forming the said corporation we have subscribed the sum of fifteen thousand dollars to the capital thereof, the same being paid in full, and desire the privilege of increasing the said capital by sales of additional shares from time to time to twenty-five thousand dollars. The capital so subscribed is divided into shares of one dollar each, which are held by the undersigned respectively as follows: that is to say, by William S. Holliday of Washington city, D. C., three thousand shares; Norman Peck of Parkersburg, West Va., three thousand shares; Bernard G. Wilson of Parkersburg, West Va., one thousand shares; Kennard Snodgrass of Parkersburg, West Va., one thousand shares; George Bradish of Flushing, New York, one thousand shares; William H. Groat of Rathbone, West Va., one thousand shares; Edward W. Smith of Rathbone, West Va., one thousand shares; Elbert B. McMinn of Rathbone, West Va., one thousand shares; Thomas Melville of New York city, one thousand shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this eighth day of March, eighteen hundred and sixty-six.

[Signed,]

| | |
|----------------------------|----------------------------|
| WILLIAM S. HOLLIDAY, | K. SNODGRASS, |
| NORMAN PECK, | WM. H. GROAT. |
| NELSON MOSES, | Per Norman Peck, Attorney- |
| BERNARD G. WILSON, | EDWARD W. SMITH, |
| GEORGE BRADISH, | ELBERT B. MCMINN, |
| Per Norman Peck, Attorney. | THOMAS MELVILLE." |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the sixth day of November, eighteen hundred and eighty, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-sixth day of March, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

THE NEW STATE OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, agree to become a corporation by the name of 'The New State Oil Company,' for the purpose of boring for, excavating and selling petroleum or rock oil in the State of West Virginia; which corporation shall keep its principal office or place of business at Clarksburg, in the county of Harrison, and is to expire on the first day of January, eighteen hundred and sixty-six. And for the purpose of forming the said corporation, we have subscribed the sum of seven thousand five hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of seven hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars. The capital so subscribed is divided into shares of ten dollars each, which are held

by the undersigned respectively as follows, that is to say: by Abraham Smith, jr., of Clarksburg, one hundred and fifty shares; John Irwin, of Clarksburg, one hundred and fifty shares; James P. Davis, of Clarksburg, one hundred and fifty shares; Lemuel D. Ferguson, of Clarksburg, one hundred and fifty shares; Nathan Goff, jr., one hundred and fifty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-sixth day of March, eighteen hundred and sixty-six.

[Signed,]

ABRAHAM SMITH, JR.,
JOHN IRWIN,
JAMES P. DAVIS,
L. D. FERGUSON,
NATHAN GOFF, JR."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this twenty-seventh day of March, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE BRIDGEPORT OIL AND MINING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Bridgeport Oil and Mining Company,' for the purpose of boring, excavating and mining for petroleum, rock or carbon oil, and buying and selling the same; which corporation shall keep its principal office or place of business at Clarksburg, in the county of Harrison, and is to expire on the first day of January, eighteen hundred and eighty-six. And for the purpose of forming the said corporation, we have subscribed the sum of thirty thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of four thousand five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say: James H. Stewart, three hundred and twenty shares; David Teter, forty shares; Arthur C. Dever, forty shares; James M. Jackson, forty shares; Eugene Henry, eighty shares; Jesse H. Willis, eighty shares; Lloyd L. Lang, forty shares; Grandison G. Lang, forty shares; John C. Hickman, forty shares; John M. Smith, forty shares; Samuel O. Kester, forty shares; John Reed, forty shares; James P. Stout, forty shares; Thomas A. Finnell, forty shares; Susan H. Black, forty shares; David Slocum, forty shares—all of the county of Harrison, and State of West Virginia; Gabriel Corley, of the county of Harrison, and state of Virginia, forty shares; Thomas K. Martin, of the county of Taylor, and state of West Virginia, eighty shares; A.

Wellington Martin, of the county of Barbour, and state of West Virginia, forty shares; and Robert Lowe, of the county of Marion, and state of West Virginia, forty shares. And the capital to be hereafter sold is to be divided into shares of the like amount of twenty-five dollars each.

Given under our hands this thirty-first day of March, eighteen hundred and sixty-six.

[Signed,]

T. K. MARTIN,
 JAMES M. JACKSON,
 J. H. STEWART,
 D. J. Adams, attorney for
 SUSAN H. BLACK.
 THOMAS A. FINNELL,
 DAVID TETER,
 A. C. DEVER,
 GABRIEL CORLEY,
 J. H. WILLIS.
 DAVID SLOCUM and
 ROBERT LOWE,
 (by Jesse H. Willis, their attorney.)

LYOUD L. LANG,
 G. G. LANG,
 (by LLOYD L. LANG, his attorney,)
 JAMES P. STOUT,
 V. P. Chapin, attorney for
 JOHN M. SMITH and
 SAMUEL O. KESTER.
 J. H. Stewart, attorney for
 EUGENE HENRY.
 JOHN C. HICKMAN,
 JOHN REED,
 A. W. MARTIN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this third day of April, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

WESTERN MINING AND MANUFACTURING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that George W. Day, president of the "Western Mining and Manufacturing Company," a corporation now existing in this State, has in the manner prescribed by law certified to me that at a general meeting of the stockholders of said company, held on the ninth day of April, A. D. eighteen hundred and sixty-six (1866), it was

"Resolved, That the 'Western Mining and Manufacturing Company' accept the provisions of the act of the Legislature of West Virginia, entitled 'An Act providing for the formation of corporations and regulating the same,' passed on the twenty-sixth day of October, A. D. eighteen hundred and sixty-three, and of the several amendments thereto."

And that the said George W. Day, president as aforesaid, has in like manner certified to me the following statement:

"The Western Mining and Manufacturing Company' was incorporated by the General Assembly of Virginia by an act passed on the fourteenth day of March, A. D. eighteen hundred and fifty-three, and has heretofore been known by that name. It is the intention of the stockholders to continue to be known by that name.

"It is also the intention of the company to carry on the business of mining cannel, splint, bituminous and other coals and minerals, to manufacture oils, &c., out of said coals, and to prepare, transport to market and sell the same.

"It is also the intention of the company to keep its principal office, and hold its meetings, in the city of Philadelphia, state of Pennsylvania; and to continue as a corporation until the first day of April, Anno Domini, eighteen hundred and eighty-six.

"The business (local) of the company is to be carried on in the counties of Boone and Kanawha, in the state of West Virginia.

"The whole capital of the company is one million dollars, and two hundred and thirty thousand was paid into the company; and we desire to reserve the privilege of increasing the same to fifteen hundred thousand dollars.

"The par value of each share of stock is fifty dollars."

Wherefore, the said Western Mining and Manufacturing Company is hereby declared to be hereafter, until the first day of April, in the year eighteen hundred and eighty-six, a corporation by the name and for the purposes and business set forth in the statement hereinbefore recited, unless sooner dissolved according to law.

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of April, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

OIL ROCK COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Oil Rock Company,' for the purpose of boring for petroleum oil and other mineral substances. Which corporation shall keep its principal office or place of business at Clarksburg, in the county of Harrison, and is to expire on the first day of January, eighteen hundred and eighty-five. And for the purpose of forming said corporation we have subscribed the sum of twenty-five thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of twenty-five hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows: Thomas A. Finnell, one hundred shares; James M. Jackson, one hundred shares; Robert S. Gardner, one hundred shares; B. T. Monroe, fifty shares; Truman Elliott, fifty shares; A. P. Davison, fifty shares; Fayette W. Martin, fifty shares; Arthur Cowan, fifty shares; James Lynch, fifty shares; Enoch W. Post, fifty shares; Fenton F. Randolph, fifty shares, all of the county of Harrison and state of West Virginia; and John Donohoe, fifty shares; Charles C. Davis, fifty shares; Charles Bonnell, fifty shares; and William M. Bonnell, fifty shares, all of the county of Doddridge and state of West Virginia; and David G. Clayton, fifty shares, of the county of Wood and state of West Virginia; and Leauder Johnson, fifty shares, of the county of Taylor and state of West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighteenth day of April, eighteen hundred and sixty-six.

[Signed,]

| | |
|--------------------|-------------------|
| THOMAS A. FINNELL, | B. T. MONROE, |
| JAMES M. JACKSON, | E. W. POST, |
| TRUMAN ELLIOTT, | DAVID G. CLAYTON, |
| A. P. DAVISSON, | LEANDER JOHNSON, |
| R. S. GARDNER, | C. C. DAVIS, |
| F. W. MARTIN, | WM. M. BONNELL, |
| JOHN DONOHUE, | CHARLES BONNELL, |
| ARTHUR COWAN, | F. F. RANDOLPH." |
| JAS. LYNCH, | |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-five, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fifteenth day of May, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

PARKERSBURG PRINTING AND PUBLISHING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name and style of the 'Parkersburg Printing and Publishing Company,' for the purpose of publishing a daily and weekly newspaper and carrying on the business of printing and publishing in any and every branch of the art. The papers and other publications of the company are to be devoted to the support and the integrity of the Union of the United States; to sustaining the credit of the nation by advocating the payment of the national debt contracted to suppress the rebellion of eighteen hundred and sixty-one; to oppose at all times, the payment of the debts contracted or liabilities incurred by the authorities of the so called 'Confederate States' in their efforts to destroy the government of the United States, either by the general government or by States in their capacity as such; to advocate a loyal representation in the Congress of the United States and the State of West Virginia; to support and advocate the cause of civil liberty in the United States, and particularly in the State of West Virginia; to encourage immigration from other states and foreign countries into West Virginia; to develop the resources thereof; to encourage and foster the genius and enterprise of the citizens of our State, and to press forward the moral, political and industrial character of our people. Which corporation shall keep its principal office or place of business in Parkersburg West Va., and is to expire on the first day of April, eighteen hundred and eighty-six. And for the purpose of forming said corporation we have subscribed the sum of four hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of two hundred and twenty-five dollars; and desire the privilege

of increasing the said capital by sales of additional shares from time to time to ten thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: by Gus. E. Smith of Parkersburg, W. Va., ten shares; J. A. Hutchison of Parkersburg, W. Va., five shares; Henry Hess of Parkersburg, W. Va., ten shares; A. Q. Mountz of Parkersburg, W. Va., five shares; and H. H. Dils of Parkersburg, W. Va., twenty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fourteenth day of May, A. D. eighteen hundred and sixty-six.

[Signed,]

| | |
|-------------------------|---------|
| G. E. SMITH, | [Seal.] |
| JNO. A. HUTCHINSON, Jr. | [Seal.] |
| H. H. DILS, | [Seal.] |
| H. HESS, | [Seal.] |
| A. Q. MOUNTZ." | [Seal.] |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-first day of May, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

PARKERSBURG STORAGE AND COMMISSION COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Parkersburg Storage and Commission Company,' for the purpose of buying and selling merchandize and produce, receiving, refining and preparing oil for market, and buying and selling the same on commission or otherwise, and also for carrying on a general storage, shipping, commission and forwarding business; which corporation shall keep its principal office or place of business in Lubbeck township, in Wood county, State of West Virginia, and is to expire at the end of twenty years from the date of its formation. And for the purpose of forming the said corporation, we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of five thousand dollars in full, and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand dollars in all. The capital so subscribed is divided into shares of one dollar each, which are held by the undersigned respectively as follows: that is to say, by George Bradish of the city of New York, four thousand nine hundred and eighty-seven shares; Marius C. C. Church of the same city, one share; Elizabeth J. Bradish of the same city, one share; Robert C. Embree of the same city, one share; and Lewis D. Wheaton of Rathbone, West Virginia, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this first day of May, one thousand eight hundred and sixty-six.

[Signed,]

GEO. BRADISH,
MARIUS C. C. CHURCH,
ELIZABETH J. BRADISH,
ROBERT C. EMBREE.
L. D. WHEATON."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-first day of May, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State at the city of Wheeling, this twenty-first day of May, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE WELLSBURG MINING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Wellsburg Mining Company,' for the purpose of sinking a shaft and mining for bituminous coal and other minerals. Which corporation shall keep its principal office or place of business at Wellsburg, in Brooke county, in the state of West Virginia, and is to expire on the twenty-second day of May, (1886) eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of twenty-four hundred dollars (\$2400) to the capital thereof, and have paid on said subscription the sum of two hundred and forty dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Campbell Kimberland, of Wellsburg, Brooke county, West Virginia, three shares; John G. Jacob, of Wellsburg, Brooke county, West Virginia, three shares; Eli H. Moore, of the same county and state, ten shares; Thomas Everett, of the same county and state, three shares; Samuel S. Quest, of the same county and state, three shares; William H. Hervey, of the same county and state, two shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-second day of May, eighteen hundred and sixty-six.

[Signed,]

CAMPBELL KIMBERLAND,
JOHN G. JACOB,
ELI H. MOORE,
THOMAS EVERETT,
SAMUEL S. QUEST,
WM. H. HARVEY."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date until the twenty-second day of May, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fourth day of May, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

TUSCOLA OIL AND MINING COMPANY OF WEST VIRGINIA.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Tuscola Oil and Mining Company of West Virginia,' for the purpose of purchasing and renting land and laying leases thereon and renting and selling the same; for the purpose of mining coal and other minerals, boring, mining or excavating for petroleum or rock oil, and for transacting any business which may be necessarily connected with the production, sale and marketing of the same. Which corporation shall have its principal office or place of business at White Oak, in the county of Wood, West Virginia, and is to expire on the first day of June, A. D. eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of forty thousand dollars to the capital thereof, and have paid in on said subscriptions six thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to four hundred thousand dollars. The capital so subscribed is divided into shares of one hundred dollars each, and shares of that denomination shall be divided among the members and corporators according to the subscriptions made by the undersigned, respectively as follows: that is to say, to Minor Wamsley, of Tuscola, Illinois, for the amount of six thousand dollars; to Henry Nelson, of Tuscola, Illinois, for the amount of six thousand dollars; to John D. Lester, of Tuscola, Illinois, for the amount of six thousand dollars; to Charles S. Wilkins, of Parkersburg, West Virginia, for the amount of six thousand dollars; to Wesley B. Casey, of Mount Vernon, Illinois, for the amount of six thousand dollars; to Kizer W. McNeer, of Tuscola, Illinois, for the amount of ten thousand dollars; according to which amounts the shares are held respectively by the undersigned. And the stock to be hereafter sold is to be divided into shares of the like amount of one hundred dollars each.

Given under our hands this ninth day of June, eighteen hundred and sixty-six.

[Signed,]

MINOR WAMSLEY,
HENRY NELSON,
JOHN D. LESTER,
CHAS. S. WILKINS,
WESLEY B. CASEY,
RIZER W. MCNEER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of June, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this eleventh day of June, eighteen hundred and sixty-six.

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SEAL
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GRANVILLE D. HALL,
Secretary of the State.

OHIO VALLEY GLASS WORKS COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Ohio Valley Glass Works Company,' for the purpose of manufacturing and selling glassware; which corporation shall keep its principal office or place of business at Wheeling in the county of Ohio, and is to expire on the first day of April, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of five thousand two hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of five thousand two hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by John Oesterling of Wheeling, W. Va., ten shares; by Alex. Carson of Wheeling, W. Va., ten shares; by Chas. L. McCoy of Wheeling, W. Va., ten shares; by Joseph H. Cowl of Wheeling, W. Va., seven shares; by Charles W. Fauts of Wheeling, W. Va., five shares; by James Falloure of Wheeling, W. Va., five shares; by John Butsky of Wheeling, W. Va., five shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

[Signed,]

JOSEPH H. COWL,
JAMES FALLOURE,
JOHN OESTERLING,
ALEXANDER CARSON,
CHARLES W. FAUTS,
CHARLES L. MCCOY,
JOHN BOOTZYI."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twelfth day of June, eighteen hundred and sixty-six.

{
SEAL
}

GRANVILLE D. HALL,
Secretary of the State.

MANNINGTON OIL AND MINING COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'Mannington Oil and Mining Company,' for the purpose of mining for oil and coal, preparing them for market, transporting the same to suitable markets and selling and disposing of the said oil and coal; which corporation shall keep its office or principal place of business in Mannington Township, Marion county, and is to expire on the first day of April, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of forty-four hundred dollars to the capital thereof, and have paid in on said subscription the sum of thirty-five hundred dollars, and desire the privilege of increasing the said capital by sale of additional shares from time to time to twenty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say:

Amos N. Prichard of Mannington township, Marion county, W. Va.. 4 shares.

| | | | | | | | |
|-----------------------|---|---|---|---|---|---|---|
| John E. Wells, | " | " | " | " | " | 4 | " |
| Ezekiel C. Snodgrass, | " | " | " | " | " | 4 | " |
| Charles L. Gollibert, | " | " | " | " | " | 4 | " |
| Thomas Smith, | " | " | " | " | " | 4 | " |
| William D. Beaty, | " | " | " | " | " | 4 | " |
| Jackson M. Yoder, | " | " | " | " | " | 4 | " |
| Squire W. C. Davis, | " | " | " | " | " | 4 | " |
| Jacob Hibbs, | " | " | " | " | " | 4 | " |
| Festus B. Koon, | " | " | " | " | " | 4 | " |
| Silas Morgan, | " | " | " | " | " | 4 | " |
| Nimrod Morgan, | " | " | " | " | " | 4 | " |
| Alpheus Prichard, | " | " | " | " | " | 4 | " |
| Adam Mason, | " | " | " | " | " | 4 | " |
| Dudley E. Dent, | " | " | " | " | " | 4 | " |
| Joseph B. Nay, | " | " | " | " | " | 4 | " |
| James Furbee, | " | " | " | " | " | 4 | " |
| William Hawker, | " | " | " | " | " | 4 | " |
| John Shanks, | " | " | " | " | " | 4 | " |
| Jeremiah Beaty, | " | " | " | " | " | 4 | " |
| Jerome B. Motter, | " | " | " | " | " | 4 | " |
| George W. Rowand, | " | " | " | " | " | 4 | " |
| James H. Furbee, | " | " | " | " | " | 4 | " |
| James Gump, | " | " | " | " | " | 4 | " |
| Alfred E. Nay, | " | " | " | " | " | 4 | " |
| James A. Hough, | " | " | " | " | " | 4 | " |
| David H. Watson, | " | " | " | " | " | 4 | " |
| Newton S. Beaty, | " | " | " | " | " | 4 | " |
| Elijah J. Freeland, | " | " | " | " | " | 4 | " |
| Francis M. Sturm, | " | " | " | " | " | 4 | " |

William Grandstaff of Grafton, Taylor county, 4 shares; James Scott of Bal-

timore, Maryland, 4 shares; Peter Moran of Wheeling, W. Va., 4 shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this first day of April, one thousand eight hundred and sixty-six.

[Signed,]

| | |
|--------------------|------------------|
| J. H. FURBEE, | F. B. KOON, |
| JACOB HIBBS, | G. W. ROWAND, |
| J. M. YODER, | A. N. PRICHARD, |
| ALPHEUS PRICHARD, | NIMROD MORGAN, |
| CHAS. L. GOLIBERT, | JOHN SHANKS, |
| S. W. C. DAVIS, | F. M. STURN, |
| D. E. DENT, | E. J. FREELAND, |
| J. B. NAY, | JAMES SCOTT, |
| A. E. NAY, | JAMES GUMP, |
| J. A. HOUGH, | N. S. BEATY, |
| E. C. SNODGRASS, | SILAS MORGAN, |
| THOMAS SMITH, | W. D. BEATY, |
| WM. HAWKER, | DAVID H. WATSON, |
| JEREMIAH BEATY, | ADAM MASON, |
| WM. GRANDSTAFF, | JAMES FURBEE, |
| P. MORAN, | J. E. WELLS." |
| J. B. MOTTER. | |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twelfth day of June, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE LITTLE KANAWHA AND BURNING SPRING PETROLEUM COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Little Kanawha and Burning Spring Petroleum Company,' for the purpose of mining, boring and digging for or otherwise obtaining from the earth petroleum, rock or carbon oils, and transporting and vending the same, and for the purpose of cutting, sawing, vending and transporting lumber, and manufacturing and disposing of the product thereof. The mining and other aforesaid operations of the said corporation are to be conducted and carried on upon the lands of the said corporation in Wirt and Calhoun counties, or either of them, in the state of West Virginia. Which said corporation shall keep its office or principal place of business in the city of Pittsburg, in the state of Pennsylvania, and is to expire on the eighteenth day of June, in the year of our Lord, one thousand eight hundred and eighty-six. And for the purpose of forming the said corporation we, in conjunction with other parties, have subscribed the sum of one hundred and fifty thousand dollars (\$150,000) to the capital thereof, and have paid in on said subscriptions the sum of fifty thousand dol-

lars (\$50,000), and desire the privilege of increasing said capital by sales of additional shares from time to time to five hundred thousand dollars (\$500,000) in all. The capital so subscribed is divided into shares of the par value of five dollars (\$5.00) each, a part of which are held by the undersigned respectively as follows, viz: Rev. Daniel H. A. McLean, Beaver, Beaver county, Pennsylvania, three thousand (3,000) shares; Rev. James Prestley, Pittsburg, Pennsylvania, five hundred (500) shares; Rev. Robert Gracey, Pittsburg, Pennsylvania, one thousand five hundred (1,500) shares; Isaac Jones, Pittsburg, Pennsylvania, five hundred (500) shares; William Floyd, Pittsburg, Pennsylvania, five hundred (500) shares; James McCandless, Pittsburg, Pennsylvania, five hundred (500) shares; Samuel Richardson, Pittsburg, Pennsylvania, three hundred and sixty (360) shares; George Woods, Pittsburg, Pennsylvania, one hundred (100) shares; William Frew, Pittsburg, Pennsylvania, five hundred (500) shares; Robert Robb, Pittsburg, Pennsylvania, five hundred (500) shares. And the capital to be hereafter sold is to be divided into shares of the like amount

Given under our hands this eighteenth day of June, eighteen hundred and sixty six.

[Witness, William F. Robb.]

| | |
|-------------------|-------------------|
| D. H. A. McLEAN, | JAMES PRESTLEY, |
| ROBERT GRACEY, | SAM'L RICHARDSON, |
| ISAAC JONES, | GEORGE WOODS, |
| WM. FLOYD, | WILLIAM FREW, |
| JAMES McCANDLESS, | ROBERT ROBB." |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eighteenth day of June, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-first day of June, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

THE STANDING STONE AND WEST FORK PETROLEUM COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Standing Stone and West Fork Petroleum Company,' for the purpose of mining, boring and digging for or otherwise obtaining from the earth petroleum, rock or carbon oils, and transporting and vending the same, and for the purpose of cutting, sawing, vending and transporting lumber, and manufacturing and disposing of the product thereof. The mining and other aforesaid operations of the said corporation are to be conducted and carried on upon the lands of the said corporation in Wirt and Calhoun counties, or either of them, in the state of West Virginia. Which said corporation shall keep its office or principal place of business in the city of Pittsburg, in the state of Pennsylvania, and is to expire on the eighteenth day of June, in the year of our Lord, one thousand eight hundred and eighty-

six. And for the purpose of forming the said corporation we, in conjunction with other parties, have subscribed the sum of one hundred and fifty thousand dollars (\$150,000) to the capital thereof, and have paid on said subscriptions the sum of fifty thousand dollars (\$50,000), and desire the privilege of increasing said capital by sales of additional shares from time to time to five hundred thousand dollars (\$500,000) in all. The capital so subscribed is divided into shares of the par value of five dollars (\$5.00) each, and a part of which are held by the undersigned respectively as follows, viz: Rev. Daniel H. A. McLean, Beaver, Beaver county, Pennsylvania, three thousand (3,000) shares; John Brown, jr., Allegheny city, Allegheny county, Pennsylvania, five hundred (500) shares; William Floyd, Pittsburg, Pennsylvania, five hundred (500) shares; James S. Negley, Pittsburg, Pennsylvania, five hundred (500) shares; William Frew, Pittsburg, Pennsylvania, five hundred (500) shares; Theodore E. Tack, Pittsburg, Pennsylvania, three hundred and sixty (360) shares; Robert A. Patterson, Mercer, Mercer county, Pennsylvania, fifteen hundred (1,500) shares; Joseph C. Wilson, Beaver, Beaver county, Pennsylvania, five hundred (500) shares; Wilson King, Erie, Erie county, Pennsylvania, fifteen hundred (1,500) shares; Rev. James Prestley, Pittsburg, Pennsylvania, five hundred (500) shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighteenth day of June, eighteen hundred and sixty-six.

[Signed,]

(Witness, William F. Robb.)

D. H. A. McLEAN, THEO. E. TACK,
JOHN BROWN, JR., R. A. PATTERSON,
WM. FLOYD, J. C. WILSON,
JAMES S. NEGLEY, WILSON KING,
WILLIAM FREW, JAMES PRESTLEY."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eighteenth day of June, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-first day of June, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

FOX TRACT OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Fox Tract Oil Company,' for the purpose of mining or boring for oil or other minerals, and for the purchase and sale thereof. Which corporation shall keep its principal office or place of business at Parkersburg, West Virginia, in the county of Wood, and is to expire on the nineteenth day of June, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of two hundred and fifty thousand

dollars to the capital thereof, and have paid in on said subscription two hundred and fifty thousand dollars in property, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by John V. Rathbone, Parkersburg, West Virginia, 625 shares; William H. Crawford, Parkersburg, West Virginia, 625 shares; S. D. Karnes, Parkersburg, West Virginia, 625 shares; Levi Barber, Harmar, Ohio, 312½ shares; H. H. Drown and David Gibson & Co., Cincinnati, Ohio, 312½ shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this nineteenth day of June, eighteen hundred and sixty-six.

[Signed,]

JOHN V. RATHBONE,
S. D. KARNS,
WM. H. CRAWFORD.
L. BARBER,
H. H. DROWN,
DAVID GIBSON & CO., }
By W. H. Crawford, attorney in fact."

Wherefore the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the nineteenth day of June, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-second day of June, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE BOWCOCK OIL COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Bowcock Oil Company,' for the purpose of buying and leasing oil territory in the state of West Virginia, for boring, mining and excavating for petroleum, rock or carbon oils, and for buying and selling the same. Which corporation shall keep its principal office at Clarksburg, Harrison county, West Virginia, and is to expire on the twenty-third day of June, eighteen hundred and eighty-six (1886). And for the purpose of forming the said corporation, we have subscribed the sum of thirty thousand dollars (\$30,000) to the capital thereof, and have paid in on said subscription the sum of three thousand dollars (\$3,000), and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to three hundred thousand dollars (\$300,000) in all. The capital so subscribed is divided into shares of one hundred dollars (\$100) each, which are held by the undersigned respectively as follows: that is to say, by James M. Bowcock,

six hundred (600) shares; John Irwin, six hundred (600) shares; Luther Haymond, six hundred (600) shares; William P. Irwin, six hundred (600) shares; Lee Haymond, six hundred (600) shares; all residents of the town of Clarksburg, in the state of West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-first day of June, eighteen hundred and sixty-six.

[Signed,]

J. M. BOWCOCK,
JOHN IRWIN,
LUTHER HAYMOND,
W. P. IRWIN,
LEE HAYMOND."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-third day of June, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the City of Wheeling, this twenty-sixth day of June, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

DERTH RUN OIL COMPANY—DISCONTINUANCE.

I, Francis Collins, president of the Dertth Run Oil Company, hereby certify that at a meeting of the stockholders of the said company, held at Philadelphia, the twenty-sixth day of June, A. D., eighteen hundred and sixty-six, a majority of the capital stock being represented, the following resolution was unanimously adopted:

"*Resolved*—That the business of the Dertth Run Oil Company be and the same is hereby discontinued, and that the funds and assets of said company that may remain after paying all debts and liabilities thereof be divided among the stockholders."

Witness my hand and the common seal of the said corporation, this twenty-sixth day of June, A. D., eighteen hundred and sixty-six.

SEAL.

FRANCIS COLLINS,
President of the Dertth Run Oil Company.

OAKWOOD SEMINARY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Oakwood Seminary,' for the purpose of acquiring suitable ground in or near the city of Parkersburg, West Virginia, and building thereon and conducting a female seminary. Which corporation shall keep its principal office or place

of business at Parkersburg, in the county of Wood. And for the purpose of forming the said corporation we have subscribed the sum of four thousand five hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of four hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand dollars (\$50,000) in all. The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned respectively as follows, that is to say: by John V. Rathbone, twenty shares; James Cook, twenty shares; Edmund L. Gale, twenty shares; Beverly Smith, twenty shares; Rathbone Van Winkle, ten shares—all residing in the city of Parkersburg, West Virginia. And the capital hereafter to be sold is to be divided into shares of like amount.

Given under our hands this thirtieth day of June, in the year eighteen hundred and sixty-six.

[Signed,]

JOHN V. RATHBONE,
JAMES COOK,
EDMUND L. GALE,
BEVERLY SMITH,
RATHBONE VAN WINKLE."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until dissolved according to law, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this sixth day of July, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

THE ROANOKE OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Roanoke Oil Company,' for the purpose of boring and mining for oil and minerals, and also for the purpose of buying and selling the same; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, state of West Virginia, and is to expire on the tenth day of July, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of three thousand dollars (\$3,000) to the capital thereof; and have paid in on said subscriptions the sum of fifteen hundred dollars (\$1,500,) and desire the privilege of increasing the said capital by sales of additional shares from time to time to twenty thousand dollars (\$20,000) in all. The capital so subscribed is divided into shares of one hundred dollars (\$100) each, which are held by the undersigned respectively as follows, that is to say: John D. Culbertson, three shares; A. J. Cecil, three shares; John W. Mitchell, three shares; G. A. Beall, three

three shares; William H. Woods, three shares—all of Wheeling, Ohio county, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this tenth day of July, eighteen hundred and sixty-six.

[Signed,]

WM. H. WOODS,
JOHN D. CULBERTSON,
ALEX. J. CECIL,
GRAFTON A. BEALL,
JOHN W. MITCHELL."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of July, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirteenth day of July, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE WHEELING FRUIT HOUSE ASSOCIATION.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, agree to become a corporation by the name of 'The Wheeling Fruit House Association,' for the purpose of preserving fruits such as oranges, lemons, apples, grapes, peaches; also tomatoes, oysters, butter, eggs, poultry, game and such other perishable articles as may be profitable and desirable to keep in the counties of Ohio and Marshall in the State of West Virginia, and Belmont county, Ohio, and of selling the same; and of erecting within said counties or either of them, a house or houses of the plan of Benjamin Markley Nyce, of Cleveland, Ohio, patent issued from the United States patent office July twenty-fifth, eighteen hundred and sixty-five, and numbered respectively re-issue No. 2036, re-issue No. 2037, re-issue No. 2038, and the letters patent issued by the United States to him March nineteenth, eighteen hundred and sixty-one, numbered and marked, No. 730, being for improvements in buildings for preserving fruits and other perishable substances; which corporation shall keep its principal office or place of business at Wheeling in the county of Ohio, and State of West Virginia, and is to expire on the twentieth day of July, eighteen hundred and eighty-six. And for the purpose of forming said corporation, we have subscribed the sum of fifteen thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of three thousand seven hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: R. Porter of the city of Wheeling, fifty shares; John W. Boyd of the city of Wheeling, fifty shares; Augustus Inderriden of the city

of Wheeling, twenty shares; Robert Crawford of the city of Wheeling, ten shares; John Truschel of the city of Wheeling, ten shares; W. C. Handlan of the city of Wheeling, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this nineteenth day of July, eighteen hundred and sixty-six.

[Signed,]

ROBERT CRAWFORD,
JNO. W. BOYD,
AUG. Inderrieden,
JOHN TRUSCHEL,
WM. C. HANDLAN,
RICHARD PORTER,"

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twentieth day of July, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twentieth day of July, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE BOREMAN OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Boreman Oil Company,' for the purpose of boring or mining in Muskingum county, Ohio, or elsewhere within the United States, for petroleum or for any volatile or mineral substances that may be found or supposed to exist; for the purpose of preparing for market and transporting and disposing of the product of such boring or mining; and for the purpose of purchasing or manufacturing any articles necessary for the retention and transportation of the same; and generally for the purpose of transacting any business which it may be advisable and lawful for said corporation to do; which corporation shall keep its principal office or place of business at the city of Wheeling, in the State of West Virginia, and is to expire on the twenty-fifth day of June, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of twenty thousand dollars to the capital stock thereof, and have paid in on said subscription the sum of two thousand dollars; and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Arthur I. Boreman, forty shares; Francis P. Peirpoint, forty shares; John C. Hupp, forty shares; John H. Charnock, forty shares; and Joseph Snider forty shares, all residents of the city of Wheeling aforesaid. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-sixth day of June, eighteen hundred and sixty-six.

[Signed,]

A. I. BOREMAN,
F. P. PEIRPOINT,
JOHN H. CHARNOCK,
JOHN C. HUPP,
JOSEPH SNIDER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fifth day of June, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the City of Wheeling, this twenty-sixth day of July, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE BUFFALO PETROLEUM COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Buffalo Petroleum Company,' for the purpose of mining, boring, and producing petroleum or rock oil, in Putnam county, West Virginia, upon land owned by them and upon leases they now have or may hereafter get, and for the further purpose of manufacturing any article that may be necessary to its production, retention, transportation or sale, and for such other purpose as shall be necessary. Which corporation shall keep its principal office or place of business at Buffalo, Putnam county, West Virginia, and is to expire on the twentieth day of September, eighteen hundred and seventy-six. And for the further purpose of forming said corporation, we have subscribed the sum of one hundred and sixty thousand dollars to the capital thereof, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to three hundred thousand dollars, and have paid in on said subscriptions the sum of sixteen thousand dollars, in lands, leases and money. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by Fletcher C. Lanham, of Buffalo, Putnam county, West Virginia, seven hundred shares; by Robert T. Harvey, of Buffalo, Putnam county, West Virginia, seven hundred shares; by Daniel Carr, of Buffalo, Putnam county, West Virginia, fifty shares; by James Carr, of Buffalo, Putnam county, West Virginia, fifty shares, and by Benjamin P. Byram, of the town of Leon, Mason county, West Virginia, one hundred shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-third day of July, eighteen hundred and sixty-six.

[Signed,]

FLETCHER C. LANHAM,
RO. T. HARVEY,
DANIEL CARR,

JAMES CARR,
BENJ. P. BYRAM."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twentieth day of September, eighteen hundred and seventy-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-sixth day of July, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE COLDWATER OIL AND COAL PRODUCING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, agree to become a corporation by the name of 'The Coldwater Oil and Coal Producing Company of West Virginia,' for the purpose of purchasing and leasing oil and coal lands, for boring, excavating and mining for petroleum, coal, brine and other minerals; and also for buying and selling and transporting the same, and carrying on any business connected therewith. Said corporation shall keep its principal office or place of business at the city of Coldwater, Branch county, Michigan; its business to be carried on in Wirt and Ritchie counties, West Virginia. Said corporation to expire on the thirtieth day of July, A. D. eighteen hundred and eighty-six. For the purpose of forming said corporation, we have subscribed the sum of one hundred and twenty-five thousand dollars to the capital thereof, and have paid in on said subscription the sum of twenty thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to the sum of one hundred and fifty thousand dollars in all. The capital so subscribed is divided into shares of two dollars and fifty cents each, which are held by the undersigned respectively as follows, that is to say: Henry C. Lewis, 8250; Philo C. Crippen, 7500; Harvey D. Robinson, 7500; David Thomson, 1000; John Kint, 1500; Albert Chandler, 1650; Robert F. Mockridge, 2000; Julius S. Barber, 1500; George H. White, 19100; all of Coldwater, Michigan. And the capital to be hereafter sold is to be divided into shares of the like amount.

In witness whereof, we have hereunto set our hands this thirtieth day of July, A. D. eighteen hundred and sixty-six.

[Signed,]

HENRY C. LEWIS,
PHILO H. CRIPPEN,
HARVEY D. ROBINSON,
JULIUS S. BARBER,
ROBERT F. MOCKRIDGE,

JOHN KENT,
DAVID THOMSON,
GEORGE H. WHITE,
ALBERT CHANDLER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirteenth day of July, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirtieth day of July, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE CENTRE WHEELING OIL AND MINING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Centre Wheeling Oil and Mining Company,' for the purpose of mining and boring for oil and other minerals within the territorial limits of the states of West Virginia and Ohio. Which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and state of West Virginia, and is to expire on the first day of January, A. D., one thousand eight hundred and eighty-five. And for the purpose of forming the said corporation we have subscribed the sum of four thousand eight hundred dollars to the capital thereof, and have paid in on said subscription the sum of two thousand four hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand dollars in all. The capital so subscribed is divided into shares of three hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by George W. Burnett, four shares; David Abel, two shares; Thomas Lewis, two shares; Samuel J. Alexander, two shares; Charles L. Hersey, two shares; James Reed, two shares; and Noah P. Remick, two shares—all of the city of Wheeling, Ohio county, and state of West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-fourth day of July, A. D., eighteen hundred and sixty-six.

[Signed,]

GEORGE W. BURNETT,
DAVID ABEL,
THOMAS LEWIS,
SAMUEL J. ALEXANDER,
CHARLES L. HERSEY,
JAMES REED,
N. P. REMICK."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-five, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this thirty-first day of July, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

SWANN HOUSE PETROLEUM COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Swann House Petroleum Company,' for the purpose of mining and boring for petroleum oil and of shipping the same; which corporation shall keep its principal office or place of business at the city of Parkersburg, in the county of Wood, and state of West Virginia, and is to expire on the twenty-sixth day of October, eighteen hundred and eighty. And for the purpose of forming the said corporation we have subscribed the sum of five thousand dollars to the capital thereof, and desire the privilege of increasing the said capital by sales of stock, or assessment, or voluntary subscription of the members of said corporation from time to time to twenty thousand dollars, and we have paid in on said subscription the whole sum of five thousand dollars. The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned respectively as follows, that is to say: by Joel B. Wheaton, of Hillsdale, Michigan, twenty shares; J. William Dent, of Parkersburg, West Virginia, ten shares; Benjamin Wilson, of Harrison county, West Virginia, ten shares; Oscar R. Hough, ———, West Virginia, ten shares; Alfred J. Burge, of Cairo, West Virginia, ten shares; John V. Ruth, of Parkersburg, West Virginia, ten shares; Henry Rosenheim, of Parkersburg, West Virginia, ten shares; Ashville B. Thorn, of Harrison county, ten shares; William S. Holliday, of Parkersburg, West Virginia, ten shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this thirteenth day of February, one thousand eight hundred and sixty-six.

[Signed,]

| | |
|------------------|-----------------|
| J. B. WHEATON, | OSCAR R. HOUGH, |
| J. WILLIAM DENT, | A. B. THORN, |
| WM. S. HOLLIDAY, | B. WILSON, |
| HENRY ROSENHEIM, | A. J. BURGE." |
| JOHN V. RUTH, | |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-sixth day of October, eighteen hundred and eighty, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of August, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

WELLSBURG PETROLEUM COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Wellsburg Petroleum Company,' for the purpose of mining and boring for minerals and petroleum in the States of West Virginia, Pennsylvania and Ohio; which corporation shall keep its principal office or place of business at Wellsburg Brooke county, West Virginia, and is to expire on the fourth day of August, (1886) one thousand eight hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of nine thousand dollars (\$9,000) to the capital stock thereof, and have paid in on said subscription one thousand dollars, (\$1,000) and desire the privilege of increasing the said capital by sales of additional shares from time to time to thirty-two thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by William H. Harvey of Wellsburg, Brooke county, State of West Virginia, thirty shares; Samuel S. Quest of Wellsburg, same county and State, twenty shares; Samnel George of Wellsburg, same county and State, ten shares; Higan Frank of Wellsburg, same county and State, ten shares; Louis Vollhardt of Wellsburg, same county and State, ten shares; and Eugene Tarr of the same county and State, ten shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this fourth day of August, one thousand eight hundred and sixty-six.

[Signed,]

WM. H. HARVEY,
SAMUEL S. QUEST,
SAMUEL GEORGE,
HIGEN FRANK,
LOUIS VOLLHARDT,
EUGENE TARR."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fourth day of August, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this sixth day of August, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

THE BLENNERHASSETT OIL COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Blennerhassett Oil Company,' for the purpose of boring, excavating, pumping, transporting for oil and other minerals; which corporation shall have its principal office or place of business at Parkersburg, W. Va., and is to expire on the fourth day of July, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of fifty-

eight hundred dollars to the capital thereof, and have paid in on said subscription the sum of fifty-eight hundred dollars; and desire the privilege of increasing the said capital by sales of additional shares of stock from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of two hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by Wm. Scott of Constitution, Washington county, Ohio, ten shares; by S. F. Shaw of Parkersburg, W. Va., three shares; by LeRoy Neale of Parkersburg, W. Va., five shares; by W. H. Hornor of Parkersburg, W. Va., ten shares; J. W. Montgomery of Parkersburg, W. Va., one share; and the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this seventeenth day of July, A. D., eighteen hundred and sixty-six.

[Signed,]

| | |
|--------------------|---------|
| WILLIAM SCOTT, | [Seal.] |
| S. T. SHAW, | [Seal.] |
| LEROY NEALE, | [Seal.] |
| WM. H. HORNOR, | [Seal.] |
| J. W. MONTGOMERY," | [Seal.] |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the sixth day of August, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this sixth day of August, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE CONGREGATION OF SISTERS OF ST. JOSEPH.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Congregation of Sisters of St. Joseph,' for the purpose of taking charge of orphans, keeping a charity hospital, and attending to such other benevolent institutions as may be hereafter established in the county of Ohio and state of West Virginia. Which corporation shall keep its principal office or place of business at 'St. Joseph's Hospital,' in the city of Wheeling and county of Ohio, and being formed under the sixth clause of the first section of the act of the Legislature of West Virginia, entitled 'An Act providing for the formation of corporations and regulating the same,' passed October twenty-sixth, eighteen hundred and sixty-three, is to continue for no limited period of time. And for the purpose of forming the said corporation we have subscribed and paid in the sum of forty thousand dollars, being the estimated value of the lands, buildings and furniture of that property situated on the west side of Main street, in that part of the city of Wheeling designated as the First Ward, and known as 'St. Joseph's Hospital,' the unencumbered title thereto being

vested in the corporation formed under this agreement, and desire the privilege of increasing the said capital, by sale of additional shares from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say: by Sister Mary de Chantal, whose secular name is Jane C. Keating, and whose residence is the city of Wheeling and county of Ohio, three hundred and twenty (320) shares; by Sister Mary Immaculate, whose secular name is Mary P. Feeney, of the same city and county, three hundred and twenty (320) shares; by Sister Mary Aloysius, whose secular name is Honora Sullivan, of the same city and county, three hundred and twenty (320) shares; by Sister Mary Vincent, whose secular name is Fannie Stewart Smyth, of the same city and county, three hundred and twenty (320) shares; and by Sister Mary Evangelist, whose secular name is Sarah A. Breslin, of the same city and county, three hundred and twenty (320) shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this tenth day of August, in the year eighteen hundred and sixty-six.

[Signed,]

SISTER MARY DE CHANTAL,
whose secular name is Jane C. Keating.

SISTER M. IMMACULATE,
whose secular name is Mary P. Feeney.

SISTER MARY ALOYSIUS,
whose secular name is Honora Sullivan.

SISTER MARY VINCENT,
whose secular name is Fanny Stewart Smyth.

SISTER M. EVANGELIST,
whose secular name is Sarah A. Breslin."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this tenth day of August, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

WASHINGTON GYMNAS TIC ASSOCIATION.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

We, the undersigned, agree to become a corporation by the name of the 'Washington Gymnastic Association,' for the purpose of establishing a gymnastic association for exercise and the promotion of health. Which corporation shall have its principal buildings and place of exercise on Wheeling Island, in the city of Wheeling, county of Ohio and state of West Virginia, and is to expire on the third day of August, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said

subscription the sum of two hundred dollars (or twenty per cent), and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to fifteen hundred dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: by Geo. W. Franzheim, twenty shares; P. Scheible, twenty shares; August Roettger, twenty shares; Adam Blum, twenty shares; Anthony Reyman, ten shares; Geo. Schwarzbach, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this third day of August, eighteen hundred and sixty-six.

[Signed,]

G. W. FRANZHEIM,
PHILIPP SCHEIBLE,
AUGUST ROETTGER,
ANTHONY REYMAN,
GEORGE SCHWARZBACH,
ADAM BLUM."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the third day of August, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State at the city of Wheeling, this sixteenth day of August, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

WEST VIRGINIA OIL AND TRANSPORTATION COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'West Virginia Oil Transportation Company,' for the purpose of transporting oil through iron pipes or tubing by means of forcing engines. Which said business shall be carried on in the counties of Wirt, Ritchie, and such other counties as the company may hereafter elect. Which corporation shall keep its principal office or place of business at Petroleum, in the county of Ritchie, and is to expire on the twenty-fourth day of August, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of five hundred dollars (\$500) to the capital thereof, and have paid in on said subscriptions the sum of fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars (\$500,000) in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Henry W. Heird, of Baltimore, Maryland, one share; Joseph B. Ford, of Wheeling, West Virginia, one share; Nathan Wilkinson, of Wheeling, West Virginia, one share;

Philander C. Hildreth, of Wheeling, West Virginia, one share ; and Samuel P. Hildreth, of Wheeling, West Virginia, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-fourth day of August, eighteen hundred and sixty-six.

[Signed,]

HENRY W. HEIRD,
J. B. FORD,
NATHAN WILKINSON,
P. C. HILDRETH,
S. P. HILDRETH,

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fourth day of August, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fourth day of August, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE ADVENTURE PETROLEUM COMPANY OF WEST VIRGINIA.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

"The undersigned agree to become a corporation by the name of 'The Adventure Petroleum Company of West Virginia,' for the purpose of mining or boring for petroleum or rock oil in the state of West Virginia, and of procuring, vending and disposing of such oil, including the refining and otherwise preparing such oil for use or market, and such other business as may be lawfully and properly incident to the principal business hereinbefore described. Which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, in said state, and is to expire on the first day of July, in the year eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of ten thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars in all. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned respectively as follows, that is to say: Joseph B. Ford, of Wheeling, West Virginia, one share; John H. B. Latrobe, of Baltimore, Maryland, four shares; Benjamin H. Latrobe, of Baltimore, Maryland, one share; William Crawford, of Baltimore, Maryland, one share; Noah H. Schenck, of Baltimore, Maryland, two shares; Henry Moore, of Baltimore, Maryland, two shares; Joshua I. Atkinson, of Baltimore, Maryland, one share; John Donlon, of Wheeling, West Virginia, two shares; Hampden Zane, of Louisville, Kentucky, two shares; L. C. Loomis, of Wheeling, West Virginia, two shares; Charles W. Russell, of Baltimore, Maryland, two shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixteenth day of July, eighteen hundred and sixty-six.

[Signed,]

| | |
|---------------------|----------------|
| JOHN H. B. LATROBE, | HENRY MOORE, |
| BENJ. H. LATROBE, | J. B. FORD, |
| CHARLES W. RUSSELL, | JOHN DONLON, |
| JOSHUA I. ATKINSON, | L. C. LOOMIS, |
| WM. CRAWFORD, | HAMPDEN ZANE." |
| N. H. SCHENCK, | |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date until the first day of July, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-fifth day of August, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

SALT SULPHUR SPRINGS COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Salt Sulphur Springs Company,' for the purpose of carrying on the business of conducting the hotel, sanitary retreat and trading post connected therewith, and preparing the mineral waters and selling and disposing of the same. Which corporation shall keep its principal office or place of business at the Salt Sulphur Springs in the county of Monroe, West Virginia, and is to expire on the first day of July, A. D. one thousand eight hundred and seventy-six (1876). And for the purpose of forming the said corporation we have subscribed the sum of fifty thousand dollars to the capital thereof, and have paid in on said subscription the sum of ten thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time to one hundred thousand dollars (\$100,000) in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows: Charles A. Eccleston, of Montgomery county, Maryland, sixteen hundred shares; B. W. Baldwin, of Washington, D. C., sixteen hundred shares; J. F. Mackenzie, of Washington, D. C., sixteen hundred shares; James T. McCreery, of Fincastle, Botetourt county, Virginia, seventy shares; A. G. Tibbetts, of Union, Monroe county, West Virginia, seventy shares; Thomas F. Parke, of Union, Monroe county, West Virginia, thirty shares, and A. A. Chapman, of Union, Monroe county, West Virginia, thirty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this tenth day of August, A. D., one thousand eight hundred and sixty-six.

[Signed,]

CHAS. A. ECCLESTON,
 J. F. MACKENZIE,
 B. W. BALDWIN,
 JAS. T. MCCREERY,
 A. G. TEBBITTS,
 THOS. F. PARKE,
 A. A. CHAPMAN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date until the first day of July, eighteen hundred and seventy-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirtieth day of August, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

TOWNER'S HOTEL AND PETROLEUM COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Towner's Hotel and Petroleum Company of Oil Rock, West Virginia,' for the purpose of carrying on the hotel business and for boring for oil and selling and transporting the same. Which said corporation shall keep its principal office or place of business at Oil Rock, West Virginia, and is to expire on the twenty-second day of August, A. D. eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of fifty thousand dollars to the capital thereof, and have paid in on said subscription the sum of twenty thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of two dollars and fifty cents each, which are held by the undersigned respectively as follows: George H. White, Coldwater, Michigan, 3000 shares; Edward H. White, Coldwater, Michigan, 3000 shares; Henry S. Towner, Oil Rock, West Virginia, 3000 shares; Joseph R. Peterson, Coldwater, Michigan, 3000 shares; Cassius Harvey, Otto, New York, 3000 shares; James G. Graham, New Brighton, Pennsylvania, 3000 shares; Charles E. Bloomer, Ravana, Ohio, 2000 shares.

Given under our hands this the twenty-second day of August, A. D. eighteen hundred and sixty-six.

[Signed,]

GEORGE H. WHITE, [Seal.]
 EDWARD H. WHITE, [Seal.]
 HENRY S. TOWNER, [Seal.]
 JOSEPH R. PETERSON, [Seal.]
 CASSIUS HARVEY, [Seal.]
 JAMES G. GRAHAM, [Seal.]
 CHARLES E. BLOOMER." [Seal.]

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-second day of August, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fifth day of September, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

WILSON OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Wilson Oil Company,' for the purpose of boring or mining for oil and other minerals in the county of Wirt and State of West Virginia; which corporation shall keep its principal office or place of business at Wheeling in the county of Ohio, and is to expire on the fourteenth day of September, eighteen hundred and eighty-six. And for the purpose of forming the said corporation, we have subscribed the sum of three thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of three hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say, by S. H. Woodward of Wheeling, West Va., ten shares; Charles H. Berry of Wheeling, West Va., five shares; Robert S. Irwin of Wheeling, West Va., five shares; Thomas H. List of Wheeling, West Va., five shares; Philander C. Hildreth of Wheeling, West Va., five shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fourteenth day of September, eighteen hundred and sixty-six.

[Signed,]

S. H. WOODWARD,
CHAS. H. BERRY,
ROB'T S. IRWIN,
THOMAS H. LIST,
PHILANDER C. HILDRETH."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fourteenth day of September, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this fifteenth day of September, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

PARKERSBURG TURF ASSOCIATION.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Parkersburg Turf Association,' for the purpose of improving the breed of horses in Wood county; which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood. And for the purpose of forming said corporation we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscription the sum of fifty dollars; and desire the privilege of increasing the said capital by sales of additional shares from time to time to twenty thousand dollars in all. The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned respectively as follows, that is to say: A. G. Clark, two shares; John Gilfillan, two shares; W. R. Sterling, three shares; S. Q. A. Burche, two shares; H. P. Longmoor, two shares; R. Van Winkle, two shares; G. J. Stealey, two shares; N. S. Clark, two shares; W. N. Chancellor, two shares; D. P. McKinney two shares; W. P. Rathbone, two shares; Wm. T. Poole, two shares; all residents of Parkersburg, West Va. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eleventh day of September, eighteen hundred and sixty-six.

[Signed,]

JOHN GILFILLAN,
W. R. STERLING,
S. Q. A. BURCHE,
H. P. LONGMOOR,
R. VAN WINKLE,
G. J. STEALEY,

N. S. CLARK,
W. N. CHANCELLOR,
D. P. MCKINNEY,
W. P. RATHBONE,
WM. T. POOLE,
AND W. G. CEARK."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eleventh day of September, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this seventeenth day of September, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE MONTICELLO OIL AND OIL LAND COMPANY

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Monticello Oil and Oil Land Company,' for the purpose of boring, mining and excavating for petroleum, rock or carbon oils, and of obtaining and selling the same, and of doing whatever the said company may lawfully do, and of exercising such powers as it may lawfully exercise in and about the prosecution of the business aforesaid. Which corporation shall keep its

principal office or place of business at Sturgis, in the county of St. Joseph, in the state of Michigan, and is to expire on the fifteenth day of August, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of one hundred and ninety-six thousand dollars to the capital thereof, and have paid in the full amount of said subscriptions, and desire the privilege of increasing the said capital by sale of additional shares from time to time to one million of dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: by Benjamin C. Buck, of Sturgis, Michigan, eight hundred shares; by Marcus F. Morse, of Augola, Indiana, twelve hundred shares; by C. A. W. Sherman, of Paush Fork, West Virginia, twenty-two hundred shares; by O. P. Fisk, of Parkersburg, West Virginia, seven thousand six hundred shares; and by Austin Gunnison, of Parkersburg, West Virginia, seven thousand eight hundred shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-second day of August, eighteen hundred and sixty-six.

[Signed,]

BENJAMIN C. BUCK,
M. F. MORSE,
C. A. W. SHERMAN,
ORLAND P. FISK,
AUSTIN GUNNISON."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifteenth day of August, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of September, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE WEST LIBERTY OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The West Liberty Oil Company,' for the purpose of buying and leasing oil territory, for boring, excavating and mining for petroleum, rock oil or carbon oil, and buying and selling the same, of such territory and oil as may be obtained thereby within the territorial limits of the states of West Virginia and Ohio. Which corporation shall keep its principal office or place of business at West Liberty, in the county of Ohio, and state of West Virginia, and is to expire on the first day of January, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of three thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand

dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by J. W. Ferrell, nine shares; W. B. Curtis, five shares; John Brady, nine shares; John Harvey, nine shares; A. C. Boggs, nine shares; J. M. Cooper, nine shares—all of West Liberty, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-first day of August, eighteen hundred and sixty-six.

[Signed,]

J. W. FERREL,
W. B. CURTIS,
JOHN BRADY,
J. HARVEY,
A. C. BOGGS,
J. M. COOPER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of September, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

LITTLE LICK OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'The Little Lick Oil Company,' for the purpose of boring and excavating for oil and other minerals upon lands of said company situate on Little Lick Run, in the county of Ritchie, in the State of West Virginia; which corporation shall keep its principal office or place of business at Wheeling in the State of West Virginia, and is to expire on the eighteenth day of September, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of four thousand dollars (\$4000) to the capital thereof, and have paid in on said subscriptions the sum of three thousand seven hundred and fifty dollars, (\$3,750) and desire the privilege of increasing the said capital by sale of additional shares from time to time to fifty thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, that is to say, to A. C. Boggs of Ohio county, West Va., twenty-five shares; J. M. Cooper of Ohio county, West Va., twenty-five shares; Peter Delaplain of Ohio county, West Va., twenty-five shares; Elijah Pogue of Ohio county, West Va., twenty-five shares; Joseph Seybold of Ohio county, West Va., one hundred shares; E. J. Stone of Ohio county, West Va., seventy-five shares; J. W. Ferrel of Ohio county, West Va.; one hundred shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this nineteenth day of September, eighteen hundred and sixty-six.

[Signed,]

A. C. BOGGS,

J. M. COOPER,

By A. C. Boggs, his Att'y.

J. W. FERREL,

PETER DELAPLAIN,

ELIJAH POGUE,

E. J. STONE,

JOSEPH SEYBOLD."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eighteenth day of September, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the City of Wheeling, this twentieth day of September, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE WHEELING AND WEST LIBERTY OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Wheeling and West Liberty Oil Company,' for the purpose of boring, mining and digging for, or otherwise obtaining from the earth, petroleum or carbon oils, and transporting and vending the same. The mining and other aforesaid operations of the said corporation are to be conducted and carried on upon lands to be purchased by said corporation in Grant township, county of Ritchie, and State of West Va. Which corporation shall keep its principal office or place of business in the city of Wheeling in the State of West Virginia, and is to expire on the twentieth day of September, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of three thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of one thousand five hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time to five hundred thousand dollars in all. The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned respectively as follows, that is to say: by Joseph B. Ford of Wheeling, West Va., fifty shares; John K. Botsford of Wheeling, West Va., twenty-five shares; Richard J. Porter of Wheeling, West Va., twenty-five shares; Patrick Kennedy of Wheeling, West Va., twenty-five shares; and Jacob C. Thomas of Wheeling, West Va., twenty-five shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twentieth day of September, eighteen hundred and sixty-six.

[Signed,]

JOSEPH B. FORD,
JNO. K. BOTSFORD,
RICHARD J. PORTER,
PATRICK KENNEDY,
JACOB C. THOMAS."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twentieth day of September, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twentieth day of September, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE PETROLEUM TUBING, TANKING AND TRANSPORTATION COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Petroleum Tubing, Tanking and Transportation Company,' for the purpose of laying a tube from the head waters of Standing Stone, in the county of Wirt, or through such counties as they may elect hereafter, in the state of West Virginia, to the Little Kanawha river, at any point between the mouth of Standing Stone and the city of Parkersburg on the Little Kanawha river; to lay tubes and construct such tanks in connection therewith as will enable the company to handle oil and to transport the oil in tanks over the Baltimore and Ohio Railroad and the branches thereof. Which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood, and is to expire on the first day of September, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of five hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to two hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Peter Andrew, Cincinnati, Ohio, ten shares; Lewis Hayner, Troy, Ohio, ten shares; Clark Hayner, Lebanon, Ohio, ten shares; L. A. Dickey, Dayton, Ohio, ten shares; Malcolm McDowell, Cincinnati, Ohio, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-fourth day of September, A. D. eighteen hundred and sixty-six.

[Signed,]

PETER ANDREW,
LEWIS HAYNER,
CLARK HAYNER,
L. A. DICKEY,
MALCOLM MCDOWELL."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of September, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this twenty-ninth day of September, eighteen hundred and sixty-six.

{
SEAL.
}

GRANVILLE D. HALL,
Secretary of the State.

ORCHARD WELL OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Orchard Well Oil Company,' for the purpose of boring, mining or excavating for petroleum or rock oil, and for the purchase and sale of the same. Which corporation shall keep its principal office or place of business at Parkersburg, Wood county, state of West Virginia, and is to expire on the first day of September, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of two hundred thousand (200,000) dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred thousand (100,000) dollars. The capital so subscribed is divided into shares of one hundred (100) dollars each, which are held respectively as follows, that is to say: by Lewis Hayner, Troy, Ohio, four hundred shares; by Clark Hayner, Lebanon, Ohio, three hundred shares; by Albert G. Wright, Lebanon, Ohio, three hundred shares; by Peter Andrews, Cincinnati, Ohio, four hundred shares; by Malcolm McDowell, Cincinnati, Ohio, two hundred shares; by Julius E. French, Parkersburg, West Virginia, two hundred shares; by Samuel A. Dickey, Dayton, Ohio, two hundred shares.

Given under our hands this fifteenth day of September, A. D. eighteen hundred and eighty-six.

[Signed,]

| | |
|-------------------|---------|
| LEWIS HAYNER, | {Seal.} |
| CLARK HAYNER, | {Seal.} |
| JULIUS E. FRENCH, | {Seal.} |
| PETER ANDREW, | {Seal.} |
| MALCOLM MCDOWELL, | {Seal.} |
| A. G. WRIGHT, | {Seal.} |
| S. A. DICKEY." | {Seal.} |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of September, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of October, eighteen hundred and sixty-six.

{
SEAL.
}

GRANVILLE D. HALL,
Secretary of the State.

THE OIL ROCK PETROLEUM COMPANY OF WEST VIRGINIA.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation under the act of the legislature of the state of West Virginia, passed October twenty-sixth, eighteen hundred and sixty-three, entitled, 'An Act providing for the formation of corporations and regulating the same,' by the name of 'The Oil Rock Petroleum Company of West Virginia,' for the purpose of purchasing and leasing lands in Wirt county and elsewhere in said state of West Virginia, and of boring, excavating and mining the same to procure petroleum, rock or carbon oils, coal, iron or other minerals, and to refine, sell, trade or deal in the same, and generally to do and perform all matters and things needful, necessary or desirable in carrying on such business in oil mining, refining, selling, &c. Which corporation shall keep its principal office or place of business at Parkersburg, Wood county, and state of West Virginia, and is to expire on the first day of September, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of eight thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of eight hundred dollars, and desire the privilege of increasing said capital by sales of additional shares from time to time to twenty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by James E. Wharton, seventy-six shares; John Moses Brown, one share; Nathan W. Tucker; one share; Samuel Wightman, one share; and Walter S. Sands, one share—all residents of the city of Parkersburg aforesaid. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this first day of September, eighteen hundred and sixty-six.

[Signed,]

J. E. WHARTON,
JOHN M. BROWN,
N. W. TUCKER,
SAM'L WIGHTMAN,
WALTER S. SANDS."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of September, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this ninth day of October, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

LITTLE BINGAMON OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Little Bingamon Oil Company of the state of West Virginia,' for the purpose of buying and leasing oil territory, for boring, excavating and mining for petroleum, rock or carbon oil, raising the same, preparing the same for market, transporting the same to suitable markets, selling and disposing of the same. Which corporation shall keep its principal office or place of business on Little Bingamon, in Marion county, West Virginia, and is to expire on the twenty-first day of April, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of four thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of two thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to eight thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows, that is to say: by Lemuel Sturm, sixteen shares; George W. Martin, the 3d, sixteen shares; George W. Martin, jr., sixteen shares; Isaac Nay, thirty-two shares; J. M. Cunningham, sixteen shares; William H. Martin, sixteen shares; James T. Hess, sixteen shares; Jesse F. Robison, sixteen shares; John N. Hall, sixteen shares—all of Marion county, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this ninth day of October, one thousand eight hundred and sixty-six.

[Signed,]

LEMUEL STURM,
G. W. MARTIN, 3d,
G. W. MARTIN, JR.,
ISAAC NAY,
J. N. CUNNINGHAM,

WM. H. MARTIN,
JAMES T. HESS,
JESSE F. ROBINSON,
JOHN N. HALL."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-first day of April, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this tenth day of October, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE FAIRMONT LITERARY ASSOCIATION.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Fairmont Literary Association,' for purposes of mutual improvement and the diffusion of knowledge; which corporation shall keep its principal office or place of business at Fairmont in the county of Marion and State of West Virginia, and is to be perpetual. And for the purpose of forming the said corporation, we have subscribed the sum of four hundred dollars, (\$400) to the capital thereof, and have paid in on said subscription the sum of four hundred

dollars, (\$400) and desire the privilege of increasing the said capital by sales of additional shares from time to time, to ten thousand dollars (\$10,000) in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows: that is to say, by A. J. Stone, four shares; by B. F. Burns, four shares; by J. B. Crane, four shares; by C. C. Eyster, four shares; by Thomas W. Fleming, four shares; by W. A. Higgins, four shares; by J. J. Chisler, four shares; by F. E. Nichols, four shares; by J. W. Lott, four shares; and by E. W. S. Moore, four shares; all of Fairmont, Marion county, West Va. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twentieth day of October, eighteen hundred and sixty-six.

[Signed,]

| | |
|-------------------|------------------|
| A. J. STONE, | W. A. HIGGINS, |
| B. F. BURNS, | J. J. CHISLER, |
| J. B. CRANE, | F. E. NICHOLS, |
| CHAS. C. EYSTER, | J. W. LOTT, |
| THOS. W. FLEMING, | E. W. S. MOORE." |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, until dissolved according to law, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-second day of October, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

PITTSBURG EXPLORING, DEVELOPING AND MINING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Pittsburg Exploring, Developing and Mining Company,' for the purpose of leasing exploring, developing and mining in Jackson county, West Virginia, and elsewhere for petroleum or rock oil, salt water, silver, gold, precious stones and all volatile substances; which corporation shall keep its principal office or place of business at Angeronia, Jackson county, West Virginia, branch office, Birmingham, Allegheny county, Pennsylvania, and is to expire on the first day of June, A. D. eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of three hundred thousand (300,000) dollars, to the capital stock thereof, and have paid in on said subscription the sum of thirty thousand (30,000) dollars; and desire the privilege of increasing the said capital by sales of additional shares from time to time to nine hundred and fifty thousand (950,000) dollars in all. The capital so subscribed is divided into shares of one hundred dollars (\$100) each, which are held by the undersigned respectively as follows, that is to say: by Fred. Fischer, Allegheny county, Pennsylvania, five hundred shares; William Eickhoff, Allegheny county, Pennsylvania, five hundred shares; Jonathan Con-

ker, Jackson county, West Virginia, five hundred shares; George Koenig, Allegheny county, Pennsylvania, five hundred shares; Ignatz Reber, Allegheny county, Pennsylvania, five hundred shares; William Cunningham, Sr., Jackson county, West Virginia, five hundred shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this sixth day of October, eighteen hundred and sixty-six.

[Signed,]

| | |
|-------------------|---------|
| JONATHAN CANKER, | [Seal.] |
| WILLIAM EICKHOFF, | [Seal.] |
| FRED. FISCHER, | [Seal.] |
| IGNAZ REBER, | [Seal.] |
| GEORGE KOENIG, | [Seal.] |
| WM. CUNNINGHAM." | [Seal.] |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of June, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-sixth day of October, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE TWIN LICK OIL COMPANY, OF WEST VIRGINIA.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Twin Lick Oil Company of West Virginia,' for the purpose of boring for petroleum, rock oil or carbon oil, and for obtaining the same by pumping or otherwise, and selling the same on the premises there obtained or marketing the same elsewhere; which corporation shall keep its principal office or place of business at Washington in the District of Columbia, and is to expire on the first day of July that will be in the year eighteen hundred and eighty-six. And for the purpose of forming the said corporation, we have subscribed the sum of twenty-five thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of four thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to the sum of fifty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively as follows: that is to say, by John T. Cochran of Washington city, District of Columbia, two hundred and fifty shares; by Wm. D. Colt of the same place, two hundred and fifty shares; by J. Carter Marbury of the same place, two hundred and fifty shares; by Wm. Marbury of the same place, one hundred and twenty-five shares; and by Jordan Stabler of the city of Baltimore, in the State of Maryland, one hundred and twenty-five shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this eighth day of September, in the year eighteen hundred and sixty-six.

[Signed,]

J. T. COCHRAN,
WM. D. COLT,
J. CARTER MARBURY,

WM. MARBURY,
JORDAN STABLER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of July, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirtieth day of October, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

UNION COAL MINING AND MANUFACTURING COMPANY OF WEST VIRGINIA.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Union Coal Mining and Manufacturing Company of West Virginia,' for the purpose of mining coal, manufacturing salt and iron, and for the sale of the same; which corporation shall keep its principal office or place of business at Middleport, Ohio, and is to expire on the first day of October, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of two hundred thousand (200,000) dollars to the capital stock thereof, and have paid in said subscription in full, and desire the privilege of increasing the said capital by sales of additional shares from time to time to three hundred thousand dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Hiram G. Daniel of Pomeroy, Meigs county, Ohio, five hundred shares; D. Reed of Pomeroy, Ohio, one hundred shares; Melzar Nye, Jr. of Middleport, Ohio, one hundred shares; Wm. P. Rathburn of Chattanooga, two hundred and forty shares; H. H. Swallow of Pomeroy, Ohio, one hundred shares; T. A. Plants of Pomeroy, Ohio, one hundred shares; Robert B. Wilson of the city of Cincinnati, Ohio, six hundred and sixty shares; James N. Titus of Rutland, Ohio, one hundred shares; Stewart A. Lasley of Gallipolis, Ohio, one hundred shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands October first, A. D. eighteen hundred and sixty-six.

[Signed,]

T. A. PLANTS,
STEWART A. LASLEY,
H. H. SWALLOW,
D. REED,
H. G. DANIEL,

ROBERT B. WILSON,
M. NYE, JR.,
JAMES N. TITUS,
W. P. RATHBURN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first

day of October, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this seventh day of November, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

WEST VIRGINIA OIL STORAGE, COMMISSION AND TRANSPORTATION COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that George Bradish, president of the Parkersburg Storage and Commission Company, a corporation formed under the laws of said state, have in the manner thereby prescribed, certified to me that at a general meeting of the stockholders of said company, held at the city of Parkersburg, in said state, on Saturday, the twenty-seventh day of October, eighteen hundred and sixty-six, the following resolution was unanimously adopted:

“Resolved, That the stockholders of the Parkersburg Storage and Commission Company, desiring to change said name, and in pursuance of the directions of the thirteenth section of the act of the legislature of the State of West Virginia relating to corporations, passed October twenty-sixth, eighteen hundred and sixty-three, do change the name of said corporation to the ‘West Virginia Oil Storage, Commission and Transportation Company,’ and hereby state the same as the name by which it is intended the corporation shall be hereafter known.”

Wherefore, I do hereby declare the proposed change of name authorized and accomplished in law, and that the said corporation is hereafter to be known as the “West Virginia Oil Storage, Commission and Transportation Company.”

Given under my hand and the great seal of the said State, at the city of Wheeling, this ninth day of November, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

McNEER OIL COMPANY.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of the ‘McNeer Oil Company,’ for the purpose of boring for petroleum, securing, refining and vending the same. Which corporation shall keep its principal office or place of business at the town of Parkersburg, in the state of West Virginia, and is to expire on the first day of November, in the year eighteen hundred and eighty-six. And for the purpose of forming said corporation we

have subscribed the sum of forty thousand dollars to the capital stock thereof, and have paid in on said subscription, by obligations to convey to said company immediately on the receipt of the grant of incorporation by a duly certified certificate from the secretary of the state of West Virginia, lease No. 6 and lease A, containing six and one-half acres, and situated on Twin Lick of White Oak in Wood county, West Virginia, together with all the fixtures and machinery on said lots, clear of all incumbrances, at a price agreed upon by us. The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned respectively as follows, that is to say: by K. W. McNeer, five hundred shares; Henry Nelson, five hundred shares; John Humbird, James Percy and Samuel Luman, five hundred shares between them; Thomas G. McCulloh, two hundred and fifty shares; and Nelson Beall, two hundred and fifty shares; the value of which is twenty dollars per share. We also desire the privilege of increasing the said capital by sales of additional shares from time to time to the amount of one hundred thousand dollars in all. And the capital hereafter sold is to be divided into shares of like amount.

Given under our hands this fifteenth day of November, eighteen hundred and sixty-six.

[Signed,]

K. W. McNEER, Parkersburg, W. Va.,
 JAMES H. PERCY, Cumberland, Md.,
 SAMUEL LUMAN " "
 JOHN HUMBIRD, " "
 THOMAS G. McCULLOH, Frostburg, Md.,
 NELSON BEALL, " "
 HENRY NELSON, Perotum, Ill."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of November, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-first day of November, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

CUMBERLAND OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Cumberland Oil Company,' for the purpose of boring for petroleum oil, securing refining and vending the same. Which corporation shall keep its principal office or place of business in the town of Parkersburg, in the state of West Virginia, and is to expire on the first day of November, in the year eighteen hundred and eighty-six. And for the purpose of forming said corporation we have subscribed the sum of forty thousand dollars to the capital thereof, and have paid in on said subscription, by obligation to convey to said company

immediately on receipt of the grant of incorporation by a duly authenticated certificate from the secretary of the state of West Virginia, lease No. 71, containing two acres and a fraction, situated in Wood county, West Virginia, on what is called White Oak, purchased of the Volcanic Oil and Coal Company of West Virginia, together with the pumping wells, tanks and oil on said lease, with all the buildings, tools, engines and fixtures, clear of all incumbrances, at a price agreed upon by us. The capital so subscribed is divided into shares of twenty dollars each, (and we desire the privilege of increasing the said capital by sales of additional shares from time to time to the sum of eighty thousand dollars in all), which are held by the undersigned respectively as follows, that is to say: by K. W. McNeer, two hundred shares; Henry Nelson, two hundred shares; John D. Lester, two hundred shares; George P. Olmstead, two hundred shares; John Nelson, one hundred shares; Weems Heagy, one hundred shares; James H. Percy, one hundred and sixty-seven shares; John Humbird, one hundred and sixty-six shares; Samuel Luman, one hundred and sixty-seven shares; H. C. Shipley, one hundred shares; Otto Damm, one hundred shares; Thomas G. McCulloh, one hundred and fifty shares; Nelson Beall, one hundred and fifty shares; the par value of which is twenty dollars per share.

Given under our hands this sixteenth day of November, one thousand eight hundred and sixty-six.

[Signed,]

SAMUEL LUMAN, Cumberland, Md.,
 OTTO DAMM, " "
 JAMES H. PERCY, " "
 THOMAS G. MCCULLOH, Frostburg, Md.,
 NELSON BEALL, " "
 JOHN NELSON, Anderson, Ind.,
 WEEMS HEAGY, " "
 JOHN HUMBIRD, Cumberland, Md.,
 HENRY NELSON, Perotum, Ill.,
 K. W. MCNEER, Parkersburg, W. Va.,
 J. D. LESTER, Tuscola, Ill.,
 GEORGE P. OLMSTED, Tuscola, Ill.,
 H. C. SHIPLEY, Cumberland, Md.]

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of November, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the City of Wheeling, this twenty-first day of November, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
 Secretary of the State.

WHEELING TEUTONIA BUILDING ASSOCIATION.

I, Granville D. Hall, Secretary of the State of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned have this day agreed to become a corporation by the name of 'Wheeling Teutonia Building Association,' for the purpose of assist-

ing the stockholders in saving themselves a capital for building purposes or legitimate business; which corporation shall keep its principal office and place of business in Wheeling, in the county of Ohio, and is to expire within the twenty-second day of November, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of three thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of three hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to four hundred thousand dollars in all. The capital so subscribed is divided into shares of three hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Charles A. Link; two shares; Anthony Reymann, two shares; Benno Kammer, two shares; John Roemer, two shares; Charles Gauding, two shares,—all of Wheeling. And the capital hereafter sold is to be divided into like shares of the like amount.

Given under our hands this twentieth day of November, eighteen hundred and sixty-six.

[Signed,]

CHAS. A. LINCK,
A. REYMANN,
B. KAMMER,
JOHN ROEMER,
CHAS. GAUDING,

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-second day of November, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this twenty-second day of November, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE KANAWHA SALT MANUFACTURING AND TRANSPORTATION COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia; hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of ‘The Kanawha Salt Manufacturing and Transportation Company,’ for the purpose of manufacturing salt in Kanawha county, West Virginia, and transporting passengers and freight along the Kanawha and Ohio rivers; which corporation shall keep its principal office or place of business at Kanawha Salines, in the county of Kanawha and state aforesaid, and is to expire on the fifteenth day of October, A. D. eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of one hundred and fifty thousand dollars to the capital thereof, and have paid in on said subscription the sum of fifteen thousand dollars, and desire the privilege of increasing the capital, by sales of additional shares from time to time, to the sum of five hundred thousand dollars in all. The capital so subscribed is

divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by John J. Dickinson, of Gallipolis, Ohio, who holds one thousand and thirty-one and two-eighths (1031 2-8) shares, by Snelling C. Farley, of Charleston, West Virginia, who holds one hundred eighty-seven and four-eighths (187 4-8) shares; by John L. Vance, of Gallipolis, Ohio, who holds one hundred eighty-seven and four-eighths (187 4-8) shares; by Samuel Devinney, of Hamilton county, Ohio, who holds fifty (50) shares; and by Harriet Devinney, of Hamilton county, Ohio, who holds forty-three and six-eighths (43 6-8) shares. And the capital to be hereafter sold is to be divided into shares of the like amount of one hundred dollars each.

Given under our hands this fifteenth day of October, eighteen hundred and sixty-six.

[Signed,]

JOHN J. DICKINSON,
S. C. FARLEY,
JOHN L. VANCE,
SAMUEL A. DEVINNEY,
HARRIET DEVINNEY."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date until the fifteenth day of October, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this thirtieth day of November, eighteen hundred and sixty-six.

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

THE CONVENTION OIL COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Convention Oil Company,' for the purpose of mining and boring for petroleum and other minerals within the state of West Virginia; which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, and is to expire on the tenth day of October, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of forty-five hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of forty-five hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: by George R. Tingle, 10 shares; by T. J. Campbell, 10 shares; by A. Wilson 10 shares; by J. B. Ford, 10 shares; by George Forbes, 10 shares; by A. F. McLure, 10 shares; by John B. Wilson, 10 shares; by John W. McColloch, 10 shares; by James S. Wheat, 10 shares,—all of Wheeling, Ohio county, West Virginia; by E. J.

Smith, of Brooke county, West Virginia, 20 shares; by A. McColloch, Jr., of Ohio county, West Virginia, 10 shares; by W. B. Curtis, of Ohio county, West Virginia, 10 shares; by R. C. Leap, of New Martinsville, Wetzel county, West Virginia, 90 shares; by M. Reilly, of Wheeling, Ohio county, West Virginia, 10 shares; by Milton Wells, of Wellsburg, Brooke county, West Virginia, 10 shares; by John Montgomery, of Ohio county, West Virginia, 10 shares; by J. W. Ferrel, of Ohio county, West Virginia, 145 shares; by D. S. Forney, Jr., of Ohio county, West Virginia, 55 shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fifteenth day of October, eighteen hundred and sixty-six.

[Signed,]

| | |
|-------------------------------|--------------------------------|
| GEO. R. TINGLE, | R. C. LEEP, |
| T. J. CAMPBELL, | JOHN MONTGOMERY, |
| JOHN W. MCCOLLOCH, | By J. W. Ferrel, his attorney. |
| W. B. CURTIS, | E. J. SMITH, |
| JOHN B. WILSON, | By J. W. Ferrel, his attorney. |
| M. REILLY, | A. F. MCCLURE, |
| D. S. FORNEY, | By J. W. Ferrel, his attorney. |
| J. W. FERREL, | JAMES S. WHEAT, |
| AB'N. MCCOLLOCH, Jr., | A. WILSON, |
| MILTON WELLS, | GEO. FORBES, |
| Brooke County, West Virginia. | J. B. FORD." |

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of October, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at Wheeling, this thirtieth day of November, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

LICK RUN OIL COMPANY OF RITCHIE COUNTY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, agree to become a corporation by the name of 'Lick Run Oil Company, of Ritchie County, West Virginia,' for the purpose of boring for oil and selling the same. Which corporation shall keep its principal office or place of business at Frostburg, in the county of Allegany, in the state of Maryland, and is to expire on the tenth day of March, eighteen hundred and eighty-six. And for the purpose of forming said corporation we have subscribed the sum of fourteen thousand dollars to the capital thereof, and have paid in on said subscription seven thousand dollars. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: by Wm. Ward, of Frostburg, Maryland, three hundred and twenty shares; Thos. H. Paul, of Frostburg, Maryland, three hundred and twenty shares; John M. Standish, of

Frostburg, Maryland, three hundred and twenty shares; Chas. A. Greene, of Frostburg, Maryland, three hundred shares; Jas. Knode, of Frostburg, Maryland, eighty-six shares; Franklin Neff, of Frostburg, Maryland, fifty-four shares.

Given under our hands this twenty-second day of October, eighteen hundred and sixty-six.

[Signed,]

WM. WARD,
THOS. H. PAUL,
J. M. STANDISH,
CHAS. A. GREENE,
JOSEPH KNODE,
FRANKLIN NEFF."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of March, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this sixth day of December, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE WEST VIRGINIA TRANSPORTATION COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The West Virginia Transportation Company,' for the purpose of transporting oil through pipes or tubing. Which said business shall be carried on in the counties of Wood, Wirt, Ritchie and such other counties as the company may hereafter elect. Which corporation shall keep its principal office or place of business at Parkersburg, in the county of Wood, and is to expire on the sixth day of December, one thousand eight hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of thirty-eight thousand dollars to the capital thereof, and have paid in on said subscription the sum of thirteen thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, viz: George Bradish of Flushing, New York, one hundred and eighty-nine (189) shares; Norman Peck, Wood county, West Va., ninety-four (94) shares; Henry W. Heird of Baltimore, Md., ninety-five (95) shares; Marius C. C. Church of Wood county, West Virginia, one (1) share; William Rittenhouse of Wood county, West Virginia, one (1) share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixth day of December, one thousand eight hundred and sixty-six.

[Signed,]

GEORGE BRADISH,
NORMAN PECK,
HENRY W. HEIRD,
M. C. C. CHURCH,
WM. RITTENHOUSE."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the sixth day of December, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this eighth day of December, eighteen hundred and sixty-six:

GRANVILLE D. HALL,
Secretary of the State.

SEAL.

THE CHARLESTON INSTITUTE.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Charleston Institute,' for the purpose of establishing a high school in the town of Charleston, West Virginia, in which young ladies shall be thoroughly educated and graduated. and young men shall be prepared for advanced classes in college, for teaching or for business. Which corporation shall have its principal office or place of business at Charleston in the county of Kanawha, and is to expire on the first day of October, in the year nineteen hundred and sixty-six. And for the purpose of forming the said corporation we have subscribed the sum of thirteen thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of four thousand three hundred and thirty-three dollars and thirty-three and one-third cents, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to two hundred thousand dollars in all. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by James H. Brown, Charleston, two shares; John Slack, Charleston, two shares; David Egan, Charleston, one share; Maria McFarland, Charleston, two shares; Isaac N. Smith, Charleston, one share; John Claypool, Charleston, one share; William J. Rand, Charleston, one share; Job E. Thayer, Kanawha Salines, one share; Henry W. Reynolds, Kanawha Salines, one shares; Samuel Christy, Kanawha Salines, one share, James W. Oakes, Kanawha Salines, one share; Benjamin H. Smith, Charleston, one share; William F. Goshorn & John H. Goshorn, Charleston, jointly one share; Watson Eastwood, Charleston, one share; John D. White, Charleston, one share; Charles C. Lewis, Kanawha Salines, one share; James F. Hansford, Coalsmouth, one share; August Ufermann, Charleston, one share; Charles Gebhart, Charleston, one share; George Ritter, Charleston, one share; Napoleon B. Cabell, Kanawha Salines, one share; Philip W. Morgan, Charles-

ton, one share; C. P. Snyder, Charleston, one share. And the capital to be hereafter sold is to be divided into shares of the like amount, viz: five hundred dollars for each share.

Given under our hands this eighth day of October, in the year of our Lord eighteen hundred and sixty-six.

[Signed,]

JOHN CLAYPOOL,
J. E. THAYER,
ISAAC N. SMITH,
W. J. RAND,
JOHN D. WHITE,
WM. F. GOSHORN,
JNO. H. GOSHORN,
AUGUST UFERMANN.
CHAS. GEBHART,
GEORGE RITTER,
SAML. CHRISTY,
JAMES H. BROWN,

WATSON EASTWOOD,
P. W. MORGAN,
JNO. SLACK,
DAVID EAGAN,
H. W. REYNOLDS,
J. W. OAKES,
C. P. SNYDER,
BENJ. H. SMITH,
JAMES F. HANSFORD,
N. B. CABELL,
CHAS. C. LEWIS,
MARIA McFARLAND."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of October, nineteen hundred and sixty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this seventh day of December, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

FIRST MUTUAL STORE OF BELLAIR, OHIO.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'First Mutual Store, Bellaire, Ohio,' for the purpose of better enabling its members to purchase food, fuel, clothing and other necessaries by carrying on in common the trade of general and retail dealers, producers, mining and manufacturing. Which corporation shall keep its principal office or place of business at Bellaire, in the county of Belmont and state of Ohio, and is to expire on the first day of January, eighteen hundred and seventy-seven. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand nine hundred and seventy dollars to the capital thereof, and have paid in on said subscription the sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to fifty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say,

| | | |
|----------------------|-------------------------|----------------------|
| By R. J. Whiteside, | Benwood, West Virginia, | Thirty shares; |
| " H. Schwalm, | " " | Twenty shares; |
| " Christ Poli, | " " | Twenty-three shares; |
| " Cyrus N. Campbell, | " " | Twelve shares; |
| " Malon Keneday, | " " | Thirteen shares; |

| | | |
|--------------------------|-------------------------|----------------------|
| By John Duffey, | Benwood, West Virginia, | One share; |
| " James Lord, | " " | Twenty shares; |
| " August Vogt, | " " | Thirteen shares; |
| " William E. Lineberger, | " " | Twenty-three shares; |
| " James W. Turner, | " " | Twenty-two shares; |
| " Clark Sprout, | " " | Twenty shares; |

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this eighteenth day of December, eighteen hundred and sixty-six.

| | | |
|-----------|------------------------|-----------------|
| [Signed,] | R. J. WHITESIDE, | JAS. W. TURNER, |
| | JAMES LORD, | CLARK SPROUT, |
| | AUGUSTUS VOGT, | CHRISTIAN POLI, |
| | CYRUS N. CAMPBELL, | JOHN DUFFY, |
| | WILLIAM E. LINEBERGER, | MALON KENEDAY." |
| | HENRY SCHWALM, | |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and seventy-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this nineteenth day of December, eighteen hundred and sixty-six.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE POTOMAC MILLS MINING AND MANUFACTURING COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Potomac Mills and Manufacturing Company,' of West Virginia, for the purpose of mining and manufacturing in their various branches and to sell and convey the products to market; which corporation shall keep its principal office or place of business at the city of Washington, in the District of Columbia, and also a place of business at or near Shepherdstown, West Virginia; and it is to expire on the first day of January, eighteen hundred and eighty-seven. And for the purpose of forming the said corporation we have subscribed the sum of thirty-five thousand dollars to the capital thereof, and the full amount of said subscriptions have been paid in; and we desire the privilege of increasing the said capital by sales of additional shares from time to time to three hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows; that is to say, by Edmund Pendleton, Trustee, of West Virginia, forty shares; William H. Clagett, thirty shares; Thomas M. Hanson, twenty shares; John M. Van Hook, twenty shares; Franklin Mace, twenty shares; William W. Metcalf, twenty shares; Thomas C. Theaker, ten shares; J. Moody

Smith, ten shares; George T. Dearing, ten shares; Samuel T. G. Morsell, ten shares; James W. Barker, ten shares; Adam Gaddis, Jr. ten shares; John J. Sullivan, ten shares; Thomas A. Stephens, ten shares; Dorsey Clagett, ten shares; John Golden, ten shares; George E. Kennedy, ten shares; William F. Mattingly, ten shares; William G. Metzertott, ten shares; James L. Barbour, ten shares; Hugh B. Sweeney, ten shares; Zephaniah Jones, ten shares; John Collins, ten shares; Fitzhugh Coyle, ten shares; Wm. H. Nally, ten shares; Christian Ruppert, ten shares; all of Washington city. And the capital to be sold hereafter is to be divided into shares of the like amount.

Given under our hands this fifteenth day of December, eighteen hundred and sixty-six.

[Signed,]

W. H. CLAGETT,
T. M. HANSON,
JNO. W. VANHOOK,
H. B. SWEENEY,
W. W. METCALF,
S. T. G. MORSELL.
FITZHUGH COYLE,
T. C. THEAKER,
JAS. L. BARBOUR,
FRANKLIN MACE,
G. E. KENNEDY,
JNO. COLLINS,
CH. RUPPERT,
GEO. T. DEARING,

J. J. SULLIVAN,
W. G. METZEROTT,
DORSEY CLAGETT,
JOHN GOLDEN,
THOMAS A. STEPHENS,
JAMES W. BARKER,
J. MOODY SMITH,
A. GADDIS, Jr.,
W. H. NALLEY,
WM. F. MATTINGLY,
Z. JONES,
Edmund Pendleton, Trustee of
Mrs. HELEN BOTELER., "

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be from this date until the first day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this first day of January, eighteen hundred and sixty-seven.

SEAL.

GRANVILLE D. HALL,
Secretary of the State.

THE BURNING SPRINGS OIL TRANSPORTATION COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Burning Springs Oil Transportation Company,' for the purpose of laying a pipe on the lands of the Rathbone Oil Tract Company, at Burning Springs, Wirt county, West Virginia, and on any lands adjacent and contiguous thereto, and on any lands in the county of Wirt, in said state, wherever it may be deemed advisable by this corporation hereby intended to be formed, and the transportation and conveying of petroleum. Which corporation shall keep its principal office at the city of New York, in the county and state of New

York, and is to expire on the first day of December, eighteen hundred and eighty-six. And for the purpose of forming the said corporation we have subscribed the sum of fifty thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of ten thousand (\$10,000) dollars. The capital so subscribed is divided into five thousand shares, which are held by the undersigned respectively as follows: James Thomson, of the city, county and state of New York, owns five hundred shares; William Whitewright, jr., of the city, county and state of New York, owns five hundred shares; Moses Lazarus, of the city, county and state of New York, owns five hundred shares; Andrew Gross, of the city, county and state of New York, owns five hundred shares; William W. Thomson, of the city of Toledo, and state of Ohio, owns three thousand shares.

In witness whereof, we have hereunto set our hands and seals, this twenty-fourth day of December, eighteen hundred and sixty-six

[Signed,]

| | |
|----------------------|---------|
| WM. W. THOMSON, | [Seal.] |
| JAMES THOMSON, | [Seal.] |
| W. WHITEWRIGHT, JR., | [Seal.] |
| MOSES LAZARUS, | [Seal.] |
| ANDREW GROSS, | [Seal.] |

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of December, eighteen hundred and eighty-six, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this seventh day of January, eighteen hundred and sixty-six.

SEAL

GRANVILLE D. HALL,
Secretary of the State.

WHEELING CITY AND MONTANA GOLD AND SILVER MINING AND TRANSPORTATION COMPANY.

I, Granville D. Hall, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Wheeling City and Montana Gold and Silver Mining and Transportation Company,' for the purpose of mining and assaying and vending of ores and minerals, and other purposes incident thereto, and for transportation of freight and passengers. Which corporation shall keep its principal office or place of business in the city of Wheeling in the county of Ohio and State of West Virginia, and is to expire on the seventh day of January, one thousand eight hundred and eighty-seven. And for the purpose of forming said corporation we have subscribed the sum of thirty-six thousand and five hundred dollars, and have paid in on said subscription the sum of thirty-five thousand dollars, and desire the privilege of increasing the said capital by sale of additional shares from time to time to one million dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: Charles H. Boothe holds two hundred

and fifty shares; James C. Jelley holds two hundred and fifty shares; Lewis W. Borton holds two thousand five hundred shares; John Mulrine holds two hundred and fifty shares; William G. Battelle holds two hundred and fifty shares; Samuel P. Wheeler holds one hundred and fifty shares. And the capital hereafter to be sold is to be divided into shares of the like amount. That the name of the city and county in which the principal part of the business of said company within this state is to be transacted are the city of Wheeling, county of Ohio, but that said company is formed for the purpose of carrying on a part of its business out of this state, to wit: in the Territory of Montana, and on the Mississippi and Missouri rivers and their tributaries.

Given under our hands this fifth day of January, eighteen hundred and sixty-seven.

[Signed,]

CHARLES H. BOOTH,
JAMES C. JELLEY,
SAM'L P. WHEELER,
LEWIS W. BORTON,
JOHN MULRINE,
WM. G. BATTELLE."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the seventh day of January, eighteen hundred and eighty-seven, a corporation by the name and for the purposes set forth in the said agreement.

Given under my hand and the great seal of the said State, at the city of Wheeling, this eighth day of January, eighteen hundred and sixty-seven.

SEAL.

GRANVILLE D. HAYL,
Secretary of the State.

KANAWHA AND HUGHES RIVER TELEGRAPH COMPANY.

To the Honorable Secretary of State, West Virginia:

In accordance with the 40th section of the General Mining Law of West Virginia, I do hereby certify that at a meeting of the stockholders of the "Kanawha and Hughes River Telegraph Company," held on the first Thursday (7th) of June, 1866, a majority of the stock of said company was voted in favor of discontinuing the business of the corporation.

I may add in explanation, that the route upon which it was designed to place the wires has since been occupied by those of another corporation, and telegraphic access has already been secured to the oil regions.

Very respectfully, your obedient servant,

SEAL.

ELIHU PEDRICK,
*President Kanawha and Hughes River Telegraph Co.,
Philadelphia, Penn'a, No. 1524 Poplar Street.*

June 20th, 1866.

[Endorsed—Filed January 9, 1867.]

A LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, during the years 1865, 1866, 1867, with the residence and date of appointment of each Commissioner; also the date when evidence of his qualification was filed. The term of office of Commissioners is two years.

| STATES. | NAMES OF COMM'RS. | RESIDENCE. | DATE OF APPOINTMENT. | When evidence of qualification was filed. |
|-----------------|-----------------------|------------------|----------------------|---|
| Arkansas..... | Cha's P. Redmond | Little Rock... | Dec. 27, 1866 | Feb'y 5, 1867 |
| California. ... | Lewis M. Cutting... | Stockton..... | Nov. 17, 1865 | Nov. 17, 1865 |
| " | N. Proctor Smith... | San Francisco... | Jan. 13, 1866 | Jan. 13, 1866 |
| " | Emile N. Sutter..... | " | July 23, 1866 | " |
| District Col.. | John F. Callan..... | Washington.. | Feb. 12, 1866 | Feb. 19, 1866 |
| " | Frederick Koones... | " | Mar. 20, 1866 | " |
| " | J. S. Hollingshead.. | " | Mar. 14, 1867 | Mar. 14, 1867 |
| Illinois..... | Simeon W. King.... | Chicago | June 2, 1865 | June 2, 1865 |
| " | Philip A. Hoyne.... | " | Sep. 16, 1865 | Sep. 26, 1865 |
| Kentucky..... | George H. Owen.... | Louisville..... | Mar. 1, 1867 | March 1, 1867 |
| Louisiana..... | James Graham..... | New Orleans | Aug. 15, 1865 | Sept. 5, 1865 |
| " | Walter F. Peters.... | " | April 9, 1866 | April 9, 1866 |
| " | P. Charles Cuvellier | " | June 2, 1866 | June 20, 1866 |
| " | Robert T. Buckner | Shreveport... | July 9, 1866 | " |
| Maryland..... | Joseph T. Atkinson | Baltimore..... | Sep. 12, 1865 | Sept. 18, 1865 |
| " | Henry R. Root..... | " | Sep. 23, 1865 | Oct. 2, 1865 |
| " | Wm. W. Latimer.... | " | July 24, 1866 | July 30, 1866 |
| " | Jno. R. Kenley..... | " | Nov. 2, 1866 | Feb'y 15, 1867 |
| " | Wm. B. Hill. | " | Mar. 20, 1867 | March 29, 1867 |
| " | Jno. T. McGlone.... | " | April 9, 1867 | " |
| " | Hermon L. Emmons | " | Ap'l 19, 1867 | " |
| Massachus'ts | James B. Bell..... | Boston..... | Sep. 26, 1865 | Oct. 9, 1865 |
| " | Samuel Jennison.... | " | Feb. 12, 1866 | Feb'y 20, 1866 |
| " | Cha's B. F. Adams | " | Jan. 16, 1867 | Jan. 28, 1867 |
| Michigan..... | Edwin Willets..... | Monroe..... | Jan. 11, 1866 | Jan. 22, 1866 |
| Minnesota. ... | Cyrus Aldrich..... | Minneapolis.. | Mar. 29, 1866 | April 26, 1866 |
| Missouri..... | Joel G. Harper..... | St. Louis..... | Nov. 26, 1866 | Dec. 5, 1866 |
| New Jersey.. | James M. Cassidy.. | Camden..... | May 17, 1865 | May 31, 1865 |
| " | Henry H. Burgess... | South Orange | June 7, 1866 | June 21, 1866 |
| New York.... | Franklin A. Wilcox | New York.... | May 17, 1865 | May 24, 1865 |
| " | Henry C. Pratt..... | " | May 31, 1865 | July 8, 1865 |
| " | James W. Hale. | " | July 3, 1865 | July 8, 1865 |
| " | Joseph B. Nones.... | " | Aug. 25, 1865 | Aug. 30, 1865 |
| " | G. J. Turner..... | " | Sep. 22, 1865 | " |
| " | John Whipple, jr.... | " | Oct. 13, 1865 | Oct. 21, 1865 |
| " | Wm. L. Gardner.... | " | Oct. 14, 1865 | Oct. 24, 1865 |
| " | J. Spencer Smith... | " | Nov. 13, 1865 | Nov. 17, 1865 |
| " | Joseph W. Wildey... | " | Nov. 25, 1865 | Dec. 1, 1865 |
| " | A. Anderson, jr.... | " | Jan. 27, 1866 | Feb'y 2, 1866 |
| " | Horatio C. King.... | " | Feb. 3, 1866 | Feb'y 19, 1866 |
| " | A. J. Hennion, jr.... | " | Feb. 10, 1866 | Feb'y 22, 1866 |
| " | George W. Collis... | " | Feb. 15, 1866 | Feb'y 20, 1866 |
| " | Charles Nettleton... | " | Feb. 22, 1866 | Feb'y 28, 1866 |
| " | John Livingston.... | " | May 11, 1866 | Oct. 10, 1866 |
| " | Thomas Sadler..... | " | May 21, 1866 | May 30, 1866 |
| " | Samuel Swan..... | " | June 2, 1866 | June 12, 1866 |

List of Commissioners.

| STATES. | NAMES OF COMM'RS. | RESIDENCE. | DATE OF AP- POINTMENT. | When evidence of qualifica- tion was filed. |
|---------------|-----------------------|-----------------|---------------------------|---|
| New York.... | M. J. Merchant..... | New York.... | July 23, 1866 | |
| " | A. J. Berrien... .. | " | July 28, 1866 | Oct. 2, 1866 |
| " | Henry J. Cullen, jr. | " | Nov. 30, 1866 | Dec. 5, 1866 |
| " | E. B. Barnum..... | " | Dec. 24, 1866 | Dec. 24, 1866 |
| " | Chr. Von Hesse..... | " | Feb. 13, 1867 | Feb'y 21, 1867 |
| " | Michael Phillips.... | " | April 9, 1867 | |
| " | Caleb A. Canfield... | Bath..... | June 28, 1865 | July 6, 1865 |
| Ohio..... | A. H. McGuffey..... | Cincinnati.... | June 26, 1865 | Oct. 9, 1865 |
| " | Reuben Tyler..... | " | Oct. 23, 1866 | Oct. 27, 1866 |
| " | Howard Douglass... | " | Feb. 8, 1867 | Feb'y 12, 1867 |
| " | Sam'l S. Carpenter. | " | Mar. 13, 1867 | March 16, 1867 |
| Pennsylvania | Joshna Spring..... | Philadelphia. | May 1, 1865 | May 5, 1865 |
| " | Andrew Zane, jr.... | " | May 26, 1865 | Oct. 21, 1865 |
| " | Wm. F. Robb..... | Pittsburg..... | June 3, 1865 | June 12, 1865 |
| " | A. L. Henneshotz. | Philadelphia. | July 24, 1865 | Aug. 2, 1865 |
| " | Theodore D. Rand.. | " | Sep. 1, 1865 | Sept. 7, 1865 |
| " | Benjamin F. Blood.. | " | Sep. 5, 1865 | Sept. 8, 1865 |
| " | John O'Neill..... | Titusville..... | Nov. 21, 1865 | Nov. 28, 1865 |
| " | R. S. Morrison..... | Pittsburg..... | Mar. 16, 1866 | March 21, 1866 |
| " | Kenley J. Tener... .. | Philadelphia. | Mar. 8, 1866 | March 23, 1866 |
| " | J. H. Joseph..... | " | Mar. 29, 1866 | April 6, 1866 |
| " | Samuel L. Taylor... | " | May 11, 1866 | May 15, 1866 |
| " | Wm. V. Archer..... | " | June 7, 1866 | June 7, 1866 |
| " | Charles H. T. Collis | " | June 28, 1866 | |
| " | Charles C. Lister.... | " | July 23, 1866 | Aug. 20, 1866 |
| " | Samuel B. Huey.... | " | Aug. 2, 1866 | Aug. 6, 1866 |
| " | John H. Wheeler.... | " | Oct. 22, 1866 | Oct. 27, 1866 |
| " | John C. Uhle..... | " | Jan. 10, 1867 | Jan. 17, 1867 |
| " | A. B. Stevenson..... | Buchanan..... | Feb. 26, 1867 | March 7, 1867 |
| " | George Griscom.... | Philadelphia. | Mar. 1, 1867 | |
| " | E. H. Tharp..... | " | Mar. 5, 1867 | March 11, 1867 |
| " | Jacob Stout..... | " | Mar. 28, 1867 | |
| Texas..... | Christopher Dart ... | Houston..... | Aug. 9, 1866 | |
| Virginia..... | P. C. Nicholas..... | Richmond.... | Nov. 20, 1865 | Nov. 25, 1865 |
| " | Tho's L. Davidson.. | Danville..... | Nov. 30, 1865 | |
| " | Daniel H. London... | Richmond.... | Jan. 22, 1866 | Jan. 22, 1866 |
| " | Wm. A. Burnett..... | Staunton..... | May 11, 1866 | May 29, 1866 |
| " | E. M. Garnett..... | Richmond.... | Aug. 9, 1866 | Aug. 16, 1866 |

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